

Your ref
Our ref WJ
Ask for Wendy Johnson
Email wendy.johnson@lichfielddc.gov.uk



District Council House, Frog Lane
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000
Direct Line 01543 308075

14th July 2017

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the above mentioned Committee has been arranged to take place on **MONDAY 24th JULY at 6.00 pm** in the **Council Chamber, District Council House, Lichfield** to consider the following business.

Access to the Council Chamber is either via the Members' Entrance or main door to the vestibule.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', written in a cursive style.

Director of Transformation & Resources

Neil Turner BSc (Hons) MSc

To: **Members of Planning Committee**

Councillors Smedley (Chairman), Marshall (Vice-Chairman), Mrs Allsopp, Awty, Mrs Bacon, Mrs Baker, Bamborough, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Mrs Fisher, Miss Hassall, Humphreys, Matthews, Powell, Pritchard, Miss Shepherd, Mrs Stanhope MBE, Strachan, A. Yeates

AGENDA

1. Apologies for absence
2. Declarations of Interest
3. To approve as a correct record the Minutes of the Meeting held on 26th June 2017 (copy attached)
4. Planning Applications (copy attached)

(A copy of the Council's "Strategic Plan at a Glance" is enclosed for information)



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PLANNING COMMITTEE

26 JUNE 2017

PRESENT:

Councillors Smedley (Chairman), Marshall (Vice-Chairman), Mrs Allsopp, Awty, Mrs Bacon, Bamborough, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Miss Hassall, Humphreys, Matthews, Powell, Pritchard, Miss Shepherd, Mrs Stanhope MBE and A. Yeates.

(**APOLOGIES FOR ABSENCE** were received from Councillors Mrs Baker, Mrs Fisher and Cllr Strachan)

1. DECLARATIONS OF INTEREST:

Councillor Matthews – Personal Interest in Application 15/00739/FUL as he volunteers for the Canal & Rivers Trust unpaid role

Councillor Mrs Evans – Disclosable Pecuniary Interest in Application 16/01011/FULM as she is Chair of Governors at Chase Terrace Primary School

Councillor Mrs Stanhope MBE – Personal Interest in Application 15/00739/FUL as applicant, land owners and objectors are known to her

Councillor Pritchard – Personal Interest in Application 15/00739/FUL as the applicant is known to him

2. MINUTES:

The Minutes of the Meeting held on 8 May 2017 and previously circulated were taken as read, approved as a correct record and signed by the Chairman.

3. DECISIONS ON PLANNING APPLICATIONS:

Applications for permission for development were considered with the recommendations of the Director of Place and Community and any letters of representation and petitions together with a supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 17/00513/COU, 16/01092/COU, 15/00739/FUL, 17/00097/OUT, 16/01011/FULM, 17/00332/FUL, 17/00376/FUL and 17/00295/FUL.

4. **17/00513/COU – CHANGE OF USE OF LAND TO RESIDENTIAL GYPSY CARAVAN SITE INCLUDING THE STATIONING OF 6 CARAVANS AND ERECTION OF DAY ROOM LAND SOUTH OF GRAVELLY LANE, STONNALL, WALSALL FOR MRS S ROGERS**

RESOLVED: That planning permission be **refused** for the reasons contained in the report of the Director of Place and Community.

5. **16/01092/COU - CHANGE OF USE OF LAND TO FORM A QUAD BIKE PRACTICE TRACK, TOGETHER WITH NEW ACCESS DRIVE AND PARKING AREA
LAND SOUTH EAST OF IRONSTONE LANE, WHITTINGTON, LICHFIELD
FOR CROMWELL TRUCK SALES**

RESOLVED: That planning permission be **refused** for the following reasons:-

The proposal, by reason of the noise generated by the quad bikes when operational, will give rise to significant adverse impacts on the quality of life of local residents and the ongoing commercial operation of surrounding businesses, including the Fradley Crematorium, through eroding the tranquillity of this area, which currently remains relatively undisturbed by noise and is prized for its recreational and amenity value. The proposal would therefore be contrary to the requirement of Core Policy 1 (The Spatial Strategy) and Core Policy 2 (Presumption in Favour of Sustainable Development).

(PRIOR TO CONSIDERATION OF THE APPLICATION REPRESENTATIONS WERE MADE BY MR PAUL SHARPE (OBJECTOR), CLLR MIKE WILCOX (WARD COUNCILLOR) AND NICK HOOD (APPLICANT'S AGENT)

6. **15/00739/FUL – ERECTION OF 6NO. 3 BEDROOM DWELLINGS WITH ANCILLARY GARAGES, DETACHED BIN STORE AND ASSOCIATED WORKS, LAND SOUTH OF BAGNAL LOCKS, KINGS BROMLEY ROAD, ALREWAS, STAFFORDSHIRE
FOR SHERLOCK HOMES (BG) LTD**

RESOLVED: That planning permission be approved subject to the conditions contained in the report of the Director of Place and Community.

7. **17/00097/OUT – DEMOLITION OF THE EXISTING BUILDING AND ERECTION OF UP TO 6NO. APARTMENTS AND ASSOCIATED WORKS. (OUTLINE: ACCESS)
MEEHAN AND WELBOURN LTD, THE OLD BREWERY MALTINGS, DAVIDSON ROAD, LICHFIELD
FOR MRS A GREENHORN**

RESOLVED: That planning permission be approved subject to the conditions contained in the report of the Director of Place and Community.

8. **16/01011/FULM – RESIDENTIAL DEVELOPMENT OF TWELVE DWELLINGS FEATURING 3 & 4 BEDROOM UNITS AND ASSOCIATED WORKS
LAND ADJACENT TO CHASE TERRACE PRIMARY SCHOOL, RUGELEY ROAD, CHASE TERRACE, BURNTWOOD
FOR CARLEN DESIGN AND BUILD LTD**

RESOLVED: That planning permission be approved subject to the conditions contained in the report of the Director of Place and Community and the inclusion of an additional planning condition requiring the submission of a Construction Management Plan to

include details to ensure that no construction traffic shall enter or leave the site during the peak arrivals and departure times for pupils attending the adjoining school. The Construction Management Plan shall be submitted and agreed in writing by the Local Planning Authority prior to the development commencing.

(PRIOR TO CONSIDERATION OF THE APPLICATION REPRESENTATIONS WERE MADE BY CLLR SUSAN WOODWARD (WARD COUNCILLOR) AND ROB DUNCAN (APPLICANT'S AGENT))

9. **17/00332/FUL – VARIATION OF CONDITION NOS 2 & 4 OF APPLICATION 14/00918/FUL RELATING TO OPENING TIMES, PARTICIPANTS AND USE OF MICROPHONES
FREEDOM BOOTCAMPS, THE PLANT POT, STAFFORD ROAD, LICHFIELD
FOR FREEDOM BOOTCAMPS**

RESOLVED: That permission to vary conditions 2 and 4 be approved subject to the conditions contained in the report and the supplementary report of the Director of Place and Community.

10. **17/00376/FUL – RETENTION OF EXTENDED COVERED TRAINING AREA.
FREEDOM BOOTCAMPS, THE PLANT POT, STAFFORD ROAD, LICHFIELD
FOR FREEDOM BOOTCAMPS**

RESOLVED: That planning permission be approved subject to the conditions contained in the report and the supplementary report of the Director of Place and Community.

11. **17/00295/FUL – INSTALLATION FO A 3G ARTIFICIAL GRASS PITCH (AGP), AND THE ERECTION OF 5.0M AND 4.0M HIGH FENCING/BALL STOP NETTING, 1.2M HIGH PITCH PERIMETER BARRIER, CREATION OF HARDSTANDING AND INSTALLATION OF MAINTENANCE/SPORTS EQUIPMENT STORAGE CONTAINER WITH ASSOCIATED WORKS AND FACILITIES
LICHFIELD CITY FOOTBALL CLUB, BROWNSFIELD ROAD, LICHFIELD
FOR LICHFIELD CITY FOOTBALL CLUB**

RESOLVED: That planning permission be approved subject to the conditions contained in the report of the Director of Place and Community.

(The Meeting closed at 8.45 p.m.)

CHAIRMAN

Planning Committee

24 July 2017

Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

Report of the Director of Place and Community

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

All documents and correspondence referred to within the report as History, Consultations and Letters of Representation, those items listed as 'OTHER BACKGROUND DOCUMENTS' together with the application itself comprise background papers for the purposes of the Local Government (Access to Information) Act, 1985.

Other consultations and representations related to items on the Agenda which are received after its compilation (and received up to 5 p.m. on the Friday preceding the meeting) will be included in a Supplementary Report to be available at the Committee meeting. Any items received on the day of the meeting will be brought to the Committee's attention. These will also be background papers for the purposes of the Act.

FORMAT OF REPORT

Please note that in the reports which follow

- 1 'Planning Policy' referred to are the most directly relevant Development Plan Policies in each case. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).
- 2 The responses of Parish/Town/City Councils consultees, neighbours etc. are summarised to highlight the key issues raised. Full responses are available on the relevant file and can be inspected on request.
- 3 Planning histories of the sites in question quote only items of relevance to the application in hand.

ITEM 'A' Applications for determination by Committee - **FULL REPORT** (Gold Sheets)

ITEM 'B' Lichfield District Council applications, applications on Council owned land (if any) and any items submitted by Members or Officers of the Council. (Gold Sheets)

ITEM 'C' Applications for determination by the County Council on which observations are required (if any); consultations received from neighbouring Local Authorities on which observations are required (if any); and/or consultations submitted in relation to Crown applications in accordance with the Planning Practice Guidance on which observations are required (if any). (Gold Sheets)

AGENDA ITEM NO. 4

ITEM A

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

24 July 2017

CONTENTS

Page No.	Case No.	Site Address	Parish/Town Council
A1	16/01409/FULM	Manor Lane, Fish Pits Farm	Harlaston
A27	17/00139/OUTM	Land and buildings at Mount Road	Burntwood

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enquiries@lichfielddc.gov.uk

LOCATION PLAN

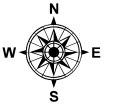
16/01409/FUL
Fish Pits Farm
Manor Lane
Harlaston

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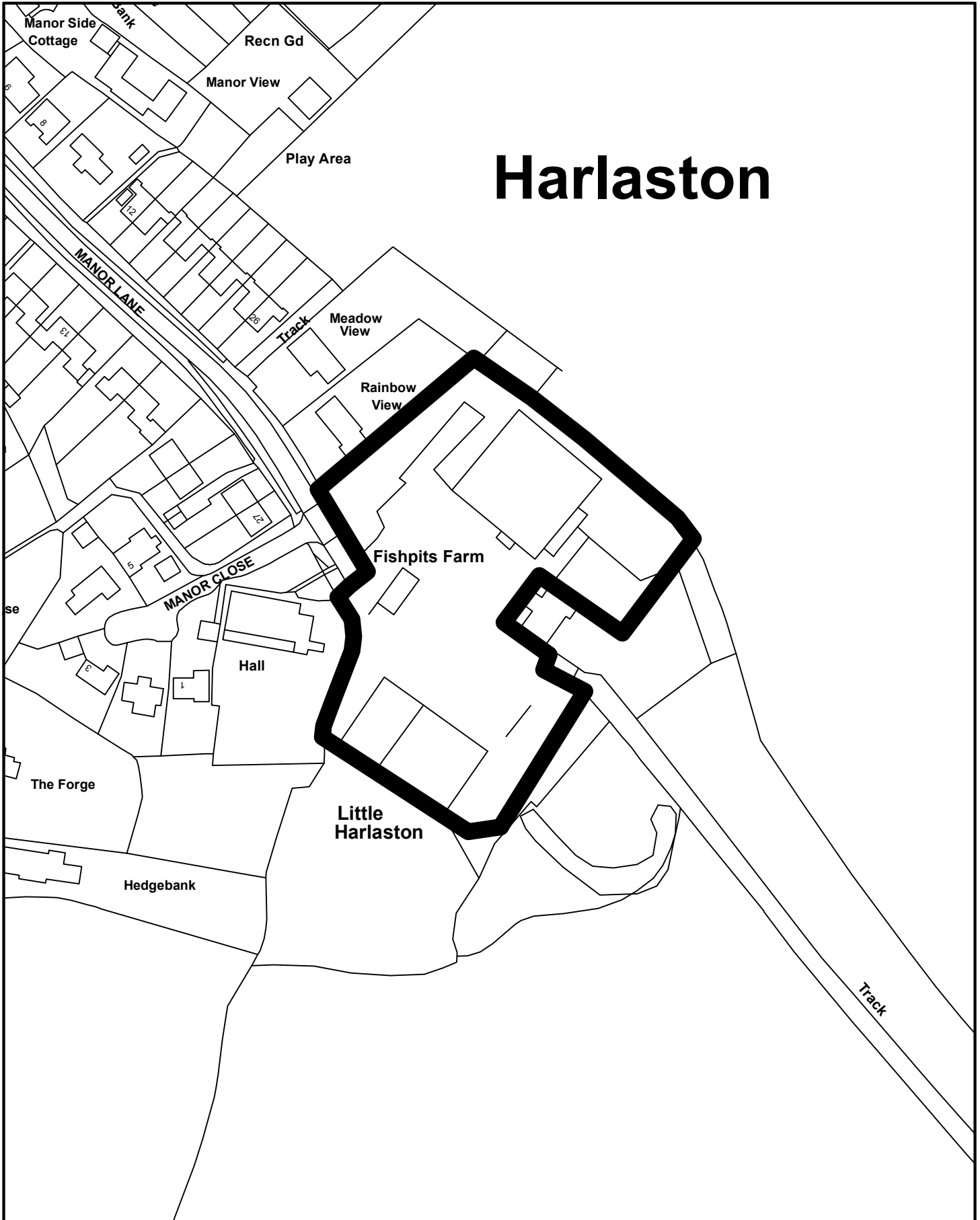
Dated:
July 2017

Drawn By:

Drawing No:



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BLOCK PLAN

16/01409/FUL
Fish Pits Farm
Manor Lane
Harlaston

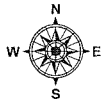
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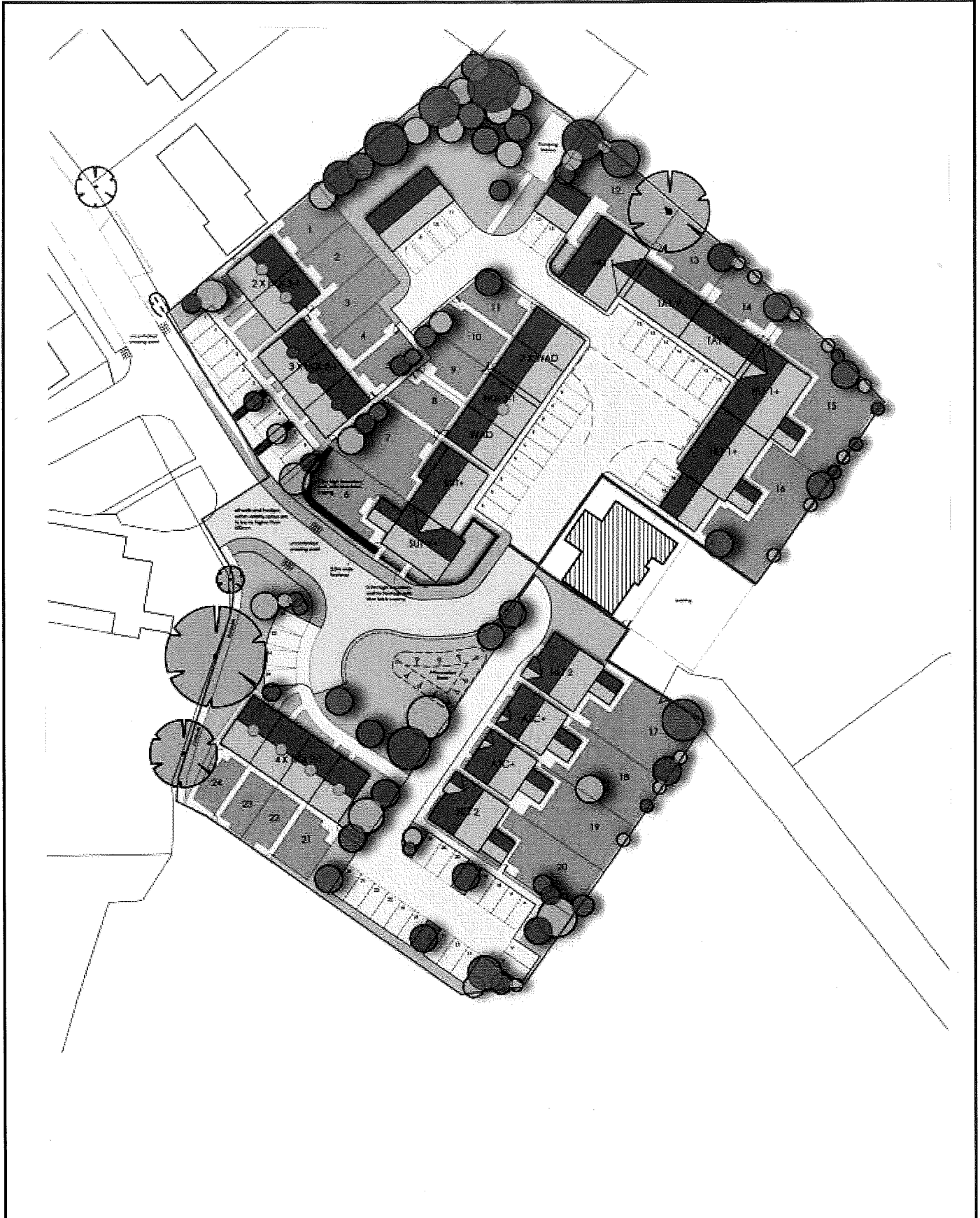
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16/01409/FULM

DEMOLITION OF EXISTING FARM BUILDINGS AND ERECTION OF 24 NEW DWELLINGS AND ASSOCIATED WORKS FISH PITS FARM, MANOR LANE, HARLASTON FOR BARWOOD HOMES LTD

Registered 12/12/16

Parish: Harlaston

Note: This application is being reported to the Planning Committee due to significant planning objections from Harlaston Parish Council on grounds related to the intensity of the proposed development.

Recommendation: subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended), to secure contributions/planning obligations towards:-

1. Affordable housing; and
2. The formation of a Management Company to maintain the open spaces, community areas and unadopted roads;

and to enter into a Unilateral Agreement for the purpose of satisfying the requirements of the Habitat Regulations to secure contributions towards:

1. River Mease Special Area of Conservation;

Approve, subject to the following conditions:

CONDITIONS:

1 The development hereby approved shall be begun before the expiration of three years from the date of this permission.

2 The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject

CONDITIONS to be complied with PRIOR to the commencement of development hereby approved:

3. Before any development hereby approved is commenced full details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. all external facing materials;
- ii. the exterior roof materials;
- iii. sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration and doors and exterior finish;
- iv. full details including a sample panel of the mortar showing colour, gauge of jointing and pointing;

- v. the eaves and verge detailing;
- vi. brick bond;
- vii. rainwater goods, their materials and designs;
- viii. roof lights; and
- ix. all hard landscaping materials.

The development shall thereafter be carried out in accordance with the approved details and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

4. Before the development hereby approved is commenced, a detailed landscape and planting scheme including details of existing trees and hedges on and adjacent to the site, identifying which are to be retained/removed and providing full details of additional planting to include native hedgerows and trees to, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of any part of the development being brought into use, unless otherwise agreed in writing by the Local Planning Authority.

5. Before the development hereby approved is commenced, full details of the height, type and position of all site and plot boundary walls, retaining walls, fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details before the respective part of the development the boundary treatment/enclosure is to serve is first occupied, or unless otherwise agreed in writing by the Local Planning Authority.

6. Before the development hereby approved is commenced, full details of new footway and uncontrolled crossings, as broadly indicated on submitted drawing 3042-36 Rev B, shall be submitted to and approved in writing by the Local Planning Authority. The new footways and crossings shall thereafter be provided in accordance with the approved details prior to first occupation of any of the new dwellings.

7. Before the development hereby approved is commenced, full details of the finished floor levels of the new dwellings, including their relationship to the levels of the highway, existing surrounding development and existing ground levels, shall be submitted to and approved in writing by the Local Planning Authority. The finished floor levels of the dwellings shall be set no lower than 150mm above adjacent ground levels. The development shall subsequently be undertaken in accordance with the approved details.

8. Before the development hereby approved is commenced, drainage plans for the disposal of surface water and foul sewage, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Severn Trent Water and Natural England. The surface water drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of four treatment trains to help improve water quality; the provision and implementation of surface water run-off limitation less 30% upon existing rates; the ability to accommodate surface water run-off on site up to the critical 1 in 100 year event plus 40% allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. The approved drainage scheme shall be provided before any of the dwellings are first occupied, unless otherwise agreed in writing with the Local Planning Authority.

9. Before the development hereby approved including any demolition and/or site clearance works is commenced or any equipment, machinery or materials is brought onto site, the tree/hedge protection measures indicated on drawing no. EDP2874/011 within report reference EDP2874_01j (Findings of Arboricultural Baseline Assessment) shall be provided in accordance with the British Standard 5837: 2005. The approved scheme shall be kept in place until all parts of the development have been completed (including any demolition and/or site clearance works), and all equipment; machinery and surplus materials have been removed from the site, unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas.

10. Before the development hereby approved is commenced, full details of the design and location of bat and bird boxes to be erected in multiples of two, shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be installed in accordance with the approved details before the development is brought into use, or such other period as may be agreed in writing with the Local Planning Authority. The bird and bat boxes shall thereafter be retained for the life of the development.

11. Before the development hereby approved is commenced, full details of bin storage and refuse collection arrangements shall be submitted to and agreed in writing by the Local planning Authority. The agreed refuse collection arrangements shall be implemented upon first occupation of any of the dwellings hereby approved and thereafter retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

12. Before the development hereby approved is commenced, including any demolition or site clearance works, a Construction Vehicle Management Plan (CVMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Arrangements for the parking of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development
- Construction hours
- Delivery routeing and hours
- Recorded daily inspections of the highway adjacent to the site access
- Wheel washing and measures to remove mud or debris carried onto the highway

The approved CVMP shall thereafter be adhered to throughout the construction period.

13 (i) Before the development hereby approved is commenced, the site shall be subjected to a detailed scheme for the investigation and recording of any contamination and a report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used.

(ii) The approved contamination remediation scheme shall thereafter be completed in accordance with the approved details and a validation report submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed, to ensure that all contaminated land issues on the site have been adequately addressed prior to the first occupation of any part of the development.

All other CONDITIONS to be complied with:

14 Before any of the dwellings hereby approved are first occupied, the extension to Manor Lane, suitable for the turning of large service vehicles as broadly indicated edged green on drawing no. 3042p36 rev B, shall be completed.

15 Before any of the dwellings hereby approved are first occupied, the private access routes, manoeuvring and parking areas broadly indicated in yellow on the approved Site Plan 3042-35 Rev L, shall be completed and surfaced in a porous bound material with the individual parking bays clearly delineated. Parking spaces shall thereafter be retained for use by residents and visitors to the development only for the life of the development.

16 The development hereby approved shall only be implemented wholly in accordance with all recommendations and methods of working detailed within Section 6 of the Ecological Appraisal (EDP2874_02b) and the Construction and Environmental Management Plan and Habitat Management Plan (EDP2874_03d) including a requirement that any lighting scheme must be sensitive to the existing usage of the site by bats.

17. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

18 The garages for plots 7, 8, 10 and 11 indicated on the submitted site plan shall be retained for the parking of motor vehicles and cycles. At no time shall these be converted to living accommodation without the prior written permission, on application, to the Local Planning Authority.

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) the dwellings hereby approved shall not be altered, enlarged or extended, including any alterations to roofs such as chimneys or flues, or the installation of any satellite dishes or PV panels, and neither shall any buildings, enclosures or other structures required for a purpose incidental to the enjoyment of the dwelling houses be erected within their curtilages without the prior written permission, on application, to the Local Planning Authority.

20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) no doors, windows, dormers or other openings shall be created in the dwellings hereby approved in addition to or as enlargements of any which may be hereby approved without the prior written permission, on application, to the Local Planning Authority.

21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking or re-enacting the Order with or without modification), no gates, fences, walls or other means of enclosure shall be erected without the prior written permission, on application, to the Local Planning Authority.

REASONS FOR CONDITIONS

1 In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the guidance contained in the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development and to preserve the special character of the Harlaston Conservation Area, in accordance with the requirements of Core Policies 3, 13 and 14, and Policies NR4 and BE1 of the Local Plan Strategy, saved Policy C2 of the Local Plan, the Supplementary Planning Documents: Sustainable Design and Historic Environment and the NPPF.
4. To ensure the satisfactory appearance of the development and to preserve the special character of the Harlaston Conservation Area, in accordance with the requirements of Core Policies 3, 13 and 14, and Policies NR4 and BE1 of the Local Plan Strategy, saved Policy C2 of the Local Plan, the Supplementary Planning Documents: Sustainable Design, Trees, Landscaping and Development and Historic Environment and the NPPF.
5. To ensure the satisfactory appearance of the development and to preserve the special character of the Harlaston Conservation Area, in accordance with the requirements of Core Policies 3, 13 and 14, and Policies NR4 and BE1 of the Local Plan Strategy, saved Policy C2 of the Local Plan, the Supplementary Planning Documents: Sustainable Design and Historic Environment and the NPPF.
6. In the interests of the safety and convenience of users of the highway in accordance with the requirements of Core Policy 3, and Policies IP1 and BE1 of the Local Plan Strategy, d the Supplementary Planning Document: Sustainable Design and the NPPF.
7. To ensure that the development is physically well related to existing buildings and its surroundings, and to reduce the risk of overland flow flooding to the development and future occupants, in accordance with Core Policies 3 and 14 and Policy BE1 of the Local Plan Strategy, saved Policy C2 of the Local Plan, the NPPF and the Supplementary Planning Documents: Sustainable Design and Historic Environment.
8. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policy 3, and Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document: Sustainable Design and the NPPF.
9. To ensure that adequate measures are taken to preserve trees and hedgerows and their root systems, whilst work is progressing on site in accordance with Core Policy 14, Policies NR 4 and BE1 of the Local Plan Strategy, the Supplementary Planning Documents: Sustainable Design, Historic Environment and Trees, Landscaping and Development and the NPPF.
10. To ensure measures are implemented to protect and enhance local bat and bird populations, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Supplementary Planning Documents: Sustainable Design, and Biodiversity and Development and the NPPF.
11. To ensure adequate arrangements are in place for the storage and disposal of refuse generated by the development, in accordance with the requirements of Core Policy 3 and Policy

BE1 of the Local Plan Strategy, the Supplementary Planning Document: Sustainable Design and the NPPF.

12 In the interests of the safety and convenience of users of the highway and to safeguard the amenity of neighbouring occupiers, in accordance with the requirements of Core Policy 3, and Policies IP1 and BE1 of the Local Plan Strategy, the Supplementary Planning Document: Sustainable Design and the NPPF.

13 (i & ii). To protect the water environment and to safeguard future residential amenity, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and Government Guidance, the Supplementary Planning Document: Sustainable Design and the NPPF.

14 In the interests of the safety and convenience of users of the highway in accordance with the requirements of Core Policy 3, and Policies IP1 and BE1 of the Local Plan Strategy, the Supplementary Planning Document: Sustainable Design and the NPPF.

15 To ensure the provision of adequate turning and parking within the site and in the interests of the safety and convenience of users of the highway in accordance with the requirements of Core Policy 3, and Policies IP1 and BE1 of the Local Plan Strategy, the Supplementary Planning Document: Sustainable Design and the NPPF.

16 In order to safeguard the ecological interests of the site and provide a net gain to biodiversity, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Supplementary Planning Documents: Sustainable Design, and Biodiversity and Development and the NPPF.

17 To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy, the Supplementary Planning Documents: Sustainable Design, and Trees, Landscaping and Development and the NPPF.

18 To ensure the provision of adequate turning and parking within the site and in the interests of the safety and convenience of users of the highway in accordance with the requirements of Core Policy 3, and Policies IP1 and BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

19 To safeguard the amenity of neighbouring residents from overlooking and loss of privacy and to ensure a satisfactory level of amenity for future residents and to preserve the special character of the Harlaston Conservation Area, in accordance with the requirements of Core Policies 3, 13 and 14, and Policies NR4 and BE1 of the Local Plan Strategy, saved Policy C2 of the Local Plan, the NPPF and the Supplementary Planning Documents: Sustainable Design and Historic Environment and the NPPF.

20 To safeguard the amenity of neighbouring residents from overlooking and loss of privacy and to ensure a satisfactory level of amenity for future residents and to preserve the special character of the Harlaston Conservation Area, in accordance with the requirements of Core Policies 3, 13 and 14, and Policies NR4 and BE1 of the Local Plan Strategy, saved Policy C2 of the Local Plan, the Supplementary Planning Documents: Sustainable Design and Historic Environment and the NPPF.

21 To ensure the satisfactory appearance of the development within the Harlaston Conservation Area and to safeguard the amenity of the occupiers of adjacent residential properties in accordance with the requirements of Core Policies 3, 13 and 14, and Policies NR4 and BE1 of the Local Plan Strategy, saved Policy C2 of the Local Plan, the Supplementary Planning Documents: Sustainable Design and Historic Environment and the NPPF.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).

2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £28 for a householder application or £97 for any other application including reserved matters. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

3. Condition 6 above involves off-site highway works which will require a Highway Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact the Council in respect of securing the agreement. Follow the link www.staffordshire.gov.uk/developers for Highway Agreements, a flowchart to identify the relevant agreement, information packs and application forms for the Highway Works. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1 c/o 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH or email nmu@staffordshire.gov.uk

4. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 agreement of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

5. The applicant's attention is drawn to the presence of a number of public rights of way in the vicinity of the application site. Any grant of planning permission does not construe the right to divert, extinguish or obstruct any part of a public path. It is important that users of the paths are still able to exercise their Public Rights safely at all times both during the construction phase and following completion of the development and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. For more information on rights of way issues see: <http://www.staffordshire.gov.uk/environment/e-land/RightsOfWay/> or contact: Rights of Way Section, Environment & Countryside Unit, Staffordshire Place 1, Staffordshire County Council, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH

6. The applicant is advised that there is an active agricultural access running across their site from Manor Lane to the open agricultural land beyond and that this forms the lawful access to the grain store located some 700m east of the site.

7 The landscape scheme submitted pursuant of conditions 4 should give consideration to providing at least 30% tree cover at year 30 and including a tree species mix that does not contain more than 30% of any one plant family, taken from mono-typic genus where possible

8 In respect of condition 7, you are advised that external levels should fall away from property to minimise the flood risk from a variety of sources. Any overland flows generated by the development must be carefully controlled; safe avenues of overland flow away from any existing and proposed buildings are advised.

9 Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging on the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

PLANNING POLICY

National Government Guidance

National Planning Policy Framework
National Planning Practice Guidance

Saved Local Plan

Policy C2 – Character of Conservation Areas

Local Plan Strategy:

Core Policy 1 – The Spatial Strategy
Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 4 – Delivering our Infrastructure
Core Policy 6 – Housing Delivery
Core Policy 13 – Our Natural Resources
Core Policy 14 – Our Built & Historic Environment
Policy IP1 – Supporting & Providing our Infrastructure
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Provision
Policy H1 – A Balanced Housing Market
Policy H2 – Provision of Affordable Housing
Policy NR1 – Countryside Management
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees, Woodland & Hedgerows
Policy NR5 – Natural & Historic Landscapes
Policy NR8 – River Mease Special Area of Conservation
Policy NR9 – Water Quality
Policy BE1 – High Quality Development
Policy Rural 1 – Rural Areas
Policy Rural 2 – Other Rural Settlements

Supplementary Planning Document

Sustainable Design
Rural Development
Trees, Landscaping and Development
Biodiversity and Development
Developer Contributions

Historic Environment

Other Policy/Guidance

River Mease Developer Contributions Scheme 2 (November 2015)

RELEVANT PLANNING HISTORY

15/01355/FULM – Demolition of existing farm buildings and erection of 14 new dwellings and associated works – Pending consideration.

12/00044/FULM – Proposed demolition of existing farm buildings and erection of 14 new dwellings, together with the proposed closure of existing farm access from Manor Lane and creation of a new farm access from Main Road to serve agricultural grain store - Approved 08/10/12.

11/00365/REMM – Erection of agricultural grain store – Approved 01/07/11

10/00137/OUTM – Proposed erection of agricultural grain store (outline) – Approved 17/06/10

00/00331/FUL – Renewal of permission L950279 – Agricultural grain store – Approved 06/06/00

L950279 – Agricultural grain store – Approved 20/06/95

L940907 – Extension infill to existing agricultural buildings – Approved 11/01/95

L6259 – Extension to house, games room, office, bathroom and bedrooms – Approved 26/11/79

L2520 – Agricultural steel portal and lean to potato store – Approved 26/07/76

CONSULTATIONS

Harlaston Parish Council – There has been no justification for the increase in properties from 14 to 24. The scale of development is not sustainable for a village of this size and together with earlier comments, the Parish Council oppose the number of properties on the site. (20/04/17)

Initial Comments - Considered that the scheme is for too many houses – concern that drainage and sewage infrastructure would not cope with so many additional dwellings. Parking is insufficient, particularly in regard to visitor parking. Properties should have no PD rights so that they could not be radically changed. A rigorous maintenance programme is required for the attenuation basin together with appropriate safeguarding and safety features. Clarification needed over refuse collection and where bins would be collected from. Issues with construction traffic on narrow roads – a suitable route should be identified with SCC. (30/01/17)

Spatial Policy and Delivery – The latest five year housing land supply position for Lichfield District is contained within the Strategic Housing Land Availability Assessment (SHLAA) 2015. The SHLAA shows that the District Council can currently demonstrate a 6.43 year supply of housing land against the housing requirement within the adopted Local Plan Strategy. It should be noted that in three appeal decisions determined on 13 February 2017 the Secretary of State concluded there was a 5.11 year supply of housing land within Lichfield District. (06/07/17)

As the site lies within the catchment of the River Mease Special Area of Conservation (SAC), the presumption in favour of sustainable development set out in the NPPF does not apply and it

is necessary for the applicant to demonstrate that the development would not adversely affect the integrity of the SAC.

In accordance with Ministerial Statement dated 6 April 2015, sustainable drainage systems should be put in place for the management of run-off, unless it is demonstrated that this is inappropriate. In this instance a SuDs scheme is proposed however the surface water strategy proposes that surface water run-off will be directed into an existing ditch course which drains into the Harlaston Brook and from there into the River Mease Special Area of Conservation. The River Mease SAC is subject to water quality issues and suffers from high levels of phosphate, silt and heavy metals. Advice should be sought from Environment Agency, Natural England and the Lead Local Flood Authority in order to mitigate any adverse impacts.

Harlaston is not one of the settlements identified for growth within Core Policy 1 and thus falls to be classified under “other rural” which will accommodate housing to meet local needs and the proposals do not fall within any of the categories of development listed within Core Policy 6 that would be supported in other rural areas. The development would therefore conflict with Core policy 6 of the Lichfield District Local Plan Strategy. Policy Rural 2 states that only limited development will be permitted within smaller rural settlements to meet identified local needs

There is no Neighbourhood Plan relevant to this area.

The proposed scheme includes a range of properties (2, 3 and 4 bedroom) and the housing mix is an improvement from that submitted in 2015. Policy H2 requires affordable housing to be provided in accordance with national set thresholds seeking a target of up to 40% of new dwellings – equating to 9.6 units for this scheme of 24. Policy H2 also specifies that the tenure of affordable units should deliver at least 65% social rented properties.

The site is within the higher CIL charging zone of £55 per square metre. The applicant may apply for exemption or relief from paying CIL in certain circumstances including social housing.

Section 106 requirements over and above CIL include:

River Mease SAC: In order to secure the necessary mitigation for the impact of this development upon the River Mease SAC, mitigation will be secured to address foul waste from the site in accordance with the River Mease Developer Contribution Scheme 2 dated November 2015.

Education: The Regulation 123 list states that S106 agreements will be required to secure provision of primary education facilities so Staffordshire County Council should be consulted regarding the requirements arising from this development. No secondary education contribution will be required as this is covered by CIL.

Highways: Staffordshire County Council should be consulted regarding any requirements arising from this development.

Consideration is necessary as to whether the benefits of the scheme and the redevelopment of the derelict farm buildings provide sufficient justification to accept development in an unsustainable location and thus not wholly in accordance with the Local Plan Strategy. (10/01/17)

Housing Strategy and Enabling Manager – The development should provide at least 40% affordable homes equating to a total of 10 units of 2 and 3 bedrooms with the 3 bedroom homes

being suitable to accommodate up to 5 people. The tenure split of the affordable homes should be 65% social rented and 35% intermediate including shared ownership. (01/02/17)

Following further consultations/discussion, a mix of 7 shared ownership and 3 affordable rented units is acceptable. (28/02/17)

Conservation Team – The amended plans reflect discussions with the agent. It is now considered that the development would preserve the character and appearance of the conservation area. Conditions are recommended. (24/05/17).

Initial Comments - This site is on the edge of Harlaston and partly within Harlaston Conservation Area. The existing farmhouse is locally listed. A development of 14 dwellings on this site has previously been approved. While the increase in numbers of units has been achieved by proposing a larger number of smaller units so that the overall footprint is not significantly greater, the subsequent increase in car parking and hard landscaping provision has adversely affected the scheme. Also the quality of the design is not as high as that of the approved scheme so while the proposed number of units is acceptable in principle the acceptability of the amended scheme is dependent on the quality of the design, the layout and the landscaping.

As the application stands it is not considered to meet the relevant policies within the NPPF in relation to design and to the historic environment. It also does not comply with policies BE1 and CP14 of the Local Plan Strategy. (20/01/17).

Arboricultural Officer – Following receipt of further clarification, the requirement for an AMS is withdrawn. (05/07/17)

Initial Comments - A detailed Arboricultural Method Statement (AMS) and Tree Protection Plan are required prior to determination. Some clarification/variation is also required to the Landscape Plan but this could be via a pre-commencement condition. (13/01/17).

Environmental Health - No objection subject to a standard contaminated land condition (06/07/17).

Environmental Health – No objection. (28/12/16).

Ecology Team – Regarding Natural England's correspondence dated 06/01/17, the ecology Team recognises and welcomes NE's consultation response regarding the development in question. However, having scrutinised the response in detail, the Ecology Team has no additional comments or recommendations regarding the submission of further ecological information to make at this time. (21/2/17)

Initial Comments - Satisfied from the Ecological Appraisal (EDP287402b), Construction and Environmental Management Plan and Habitat Management Plan (EDP2874_03d) that the development is unlikely to negatively impact a protected/priority species/habitats. No further ecological survey effort is required at this time.

Adherence by the applicant to all recommendations and methods of working detailed within section 6 of the Ecological Appraisal (EDP2874_02b) and the Construction and Environmental Management Plan and Habitat Management Plan (EDP2874_03d) must be made a condition of any future planning approval.

A net gain to biodiversity should be delivered through all development in line with NPPF and Policy NR3 of the Local Plan Strategy. the incorporation of new areas of habitat of high biodiversity value (i.e. woodland with wildflower understory) as detailed in the Construction and Environmental Management Plan and Habitat Management Plan (EDP2874_03d) and the Landscaping Proposal map (DWG No: MK BH 1001 01) are welcomed. Furthermore the applicant's intention to incorporate new roosting/nesting provision for both bats and birds (para 6.3, pg 21 of EDP2874_02b) is also welcome.

Incorporation of all new ecological benefits listed should be a condition of any future planning approval. (10/01/17).

Natural England – No objection subject to appropriate mitigation being secured. In the absence of suitable mitigation in respect of water quality, the application would have an adverse effect on the integrity of the River Mease Special Area of Conservation, and damage or destroy the interest features for which the River Mease Site of Special Scientific Interest has been notified. In order to mitigate these effects and make the development acceptable, mitigation measures need to be secured in respect of foul drainage and surface water management. An appropriate planning condition or obligation should be attached to any planning permission to secure these measures. Provided details of suitable mitigation measures are secured as part of any planning approval, then Natural England would not expect this development to have an adverse effect on the integrity of the River Mease SAC.

In accordance with paragraphs 109 and 118 of the NPPF, measures should be incorporated in the scheme to enhance the biodiversity of the site. (06/01/17)

Environment Agency – No objection to the proposed development of 24 dwellings. (22/12/16)

Staffordshire County Council (Lead Local Flood Authority) – Given the proximity to the SSSI and the SAC, water quality considerations are imperative to the application, as draining into the ditch near to the site's eastern corner. The application offers four water quality treatment trains, in liaison with Natural England and despite the envisaged density, offers permeable paving, a downstream defender pond and swale before discharging to nearby watercourse with a 30% betterment on existing discharge rates. Severn Trent Water should be able to make comment on the foul proposals for the site.

With the above in mind, the proposed development would only be acceptable subject to conditions relating to a suitable surface water drainage scheme and finished floor levels (10/01/17)

Staffordshire County Council (Education) – Catchment schools are projected to have sufficient space to accommodate the likely demand from pupils generated by the development. (22/12/16)

Staffordshire County Council (Highways) – No objections, subject to conditions relating to access, parking and turning areas (07/07/17).

Initial Comments – Various issues raised which require addressing by the applicant (lack of transport statement; poor pedestrian connectivity; clarification on refuse collection arrangements/need for indemnity agreement; visibility splays; limits of highway adoption; garage size; outstanding conditions from 12/00044/FULM. (30/12/16)

Staffordshire Police Architectural Liaison Officer – No objections. Advised to incorporate Secured by Design principles. (05/01/17)

Severn Trent Water – No objections, subject to a condition relating to disposal of surface water and foul sewage. (17/01/17)

Open Spaces Society – Objection. Footpaths crossing the site have not been taken into consideration (04/01/17).

Ramblers – No objection in principle, but highlight the presence of rights of way in or adjacent to the site, footpath Nos 3 and 7 Harlaston Parish. The routes of these rights of way should be preserved where possible or included in landscaped corridors if diversion is required for layout purposes. They should not be confined to narrow fenced corridors at the rear of properties. (09/01/17).

Joint Waste Services – The layout is broadly acceptable but there is concern that the presentation areas to serve units 8 to 13 could contain 12 bins at any one time and this could cause nuisance if people don't put bins away after collection and there won't be enough space for everyone's bins. It would be better for units 8 and 9 to present their bins at the other end of the row near unit 7. (05/07/17)

Initial Comments - The Council's refuse and recycling service does not take vehicles onto private roads/drives unless indemnified to do so, where this is not the case, bins need to be brought to the edge of the adopted highway for emptying on collection day. The inclusion of a bin collection point is noted but the Council does not encourage these as they have the potential to cause nuisance, where they are in place they need to be large enough to hold at least 2 bins from each property and the crew should have a pull-distance no greater than 10m. Details of general requirements for refuse/recycling storage and collection are provided. (20/12/16).

CPRE – Consider that the layout is of lower quality than the permission under 12/00044/FULM and regret the exclusion of the farmhouse. However, it is acknowledged that the inclusion of smaller units and affordable housing may be preferable to the previous scheme. (25/01/17)

LETTERS OF REPRESENTATION

A total of twelve letters have been received raising the following concerns and objection:

1. Too many houses proposed
2. Highway safety impacts of increased traffic in Manor Lane and elsewhere
3. It is not appropriate to consult over Christmas as it reduces the time available for people to consider and respond to the application
4. More than half of the residents of Manor Lane are elderly people who do not have access to the internet or ability to attend Lichfield DC to view
5. A public meeting should be held at the village hall to discuss the proposals
6. Proposals conflict with the policies of the Local Plan Strategy
7. This is not a sustainable location – residents would be heavily car dependant due to very limited facilities in Harlaston and infrequent buses
8. Potential for anti-social behaviour exacerbated by the lack of any facilities for older children (12 to 16 years)
9. Concerns over access for refuse collection and emergency services
10. Impact on the sewage system
11. Light pollution

12. No notices were erected in the village
13. What sort of boundary would be erected to neighbouring properties?
14. Development density would be out of proportion with the rest of the village
15. Increased noise
16. No consideration has been given to public footpaths
17. Communal bin stores would attract vermin and could serve as a hiding place for potential intruders
18. A smaller development of 14 as was previously approved would be more appropriate
19. If permission is granted, construction traffic should not be allowed to park in Manor Lane

OTHER BACKGROUND DOCUMENTS

Planning Statement (JMI Planning, November 2016)
Design and Access Statement (BHB Architect, 2016)
Heritage Statement (BHB Architects, November 2016)
Flood Risk Assessment (M.E.C November 2016)
Transport Statement (M.E.C, November 2016)
Ecological Appraisal (EDP, December 2016)
Construction Environmental Management Plan and Habitat Management Plan (EDP, December 2016)
Sustainability Statement (BHB Architects, November 2016)
Findings of Arboricultural Baseline Assessment (EDP, June 2017)

OBSERVATIONS

Site and Location

The application relates to an established farm lying at the end of Manor Lane outside but adjacent to the south-eastern settlement boundary of the village of Harlaston and partially within the Harlaston Conservation Area.

The farm formerly comprised a range of large portal framed agricultural buildings, smaller brick storage buildings and a farmhouse together with extensive areas of hardstanding, however the majority of buildings have now been demolished leaving just the farmhouse. The site is surrounded by open countryside on all but its north-western side and sits on a plateau with the surrounding land sloping down to the south and east. A track running through the farmyard leads to Fishpits Barn, a small range of traditional agricultural buildings completely surrounded by open countryside and continues past a large grain store lying to the north-east of the track, approximately 780m from the main farm complex with access from Croxall Road. Notwithstanding that the former agricultural buildings have been demolished, the site is still in agricultural use benefitting from agricultural permitted development rights. The site also offers agricultural access via Manor Lane to the open land beyond.

There are no significant trees within the site but there are trees on adjoining land, within the curtilage of the Village Hall to the west of the site, which are close enough to the site boundary to be potentially affected by the proposals.

There are a number of local facilities within the village of Harlaston, including a public house, church, shop/post office, play area for children and village hall. There is also an hourly bus service throughout the day providing access via a circular route to Edingale, Elford, Comberford, Wigginton, Tamworth, Clifton Campville and Haunton.

Background

The farmyard and former buildings were considered unsuitable for the large volumes of crops required to be harvested dried and then stored and for this reason, a new grain store was proposed and subsequently approved on land, approximately 780m away, to the south of the village. Once the new grain store was completed, the existing buildings around the farmyard were redundant and planning permission was secured under 12/00044/FULM to redevelop the site with 14 houses. It is noted that, at the time of the previous application, the Council could not demonstrate a five year housing land supply and this was a contributing factor in the granting of planning permission, as was the fact that the applicant had carried out consultations with the local community which identified support for developing this site for housing. This permission expired in October 2015 before work commenced. The applicant is now seeking to secure a further permission for development of the site.

Since the previous approval, there have been significant changes in planning policy, in particular, the Lichfield District Local Plan Strategy has been adopted and this document seeks a higher proportion of smaller house types and affordable housing than had previously been the case.

Initially an application (15/01355/FULM received 7 December 2015) was made for 14 dwellings in a broadly similar layout to that which had been approved under 12/00044/FULM. The applicant was advised that this did not provide a suitable mix of house types and neither would it provide sufficient affordable or smaller units as required under the Local Plan Strategy. The current application represents their response to this and proposes development more aligned to the identified housing needs of Lichfield District.

Proposals

Permission is sought to redevelop the site with 24 new dwellings to complement the retained farmhouse. The proposed layout comprises a mix of 7 no. 4 bed, 10 no. 3 bed and 7 no. 2 bed dwellings in three sections.

The first section represents a continuation of development fronting Manor Lane on its north-eastern side and comprises a pair of 3 bedroom semi-detached houses in a relatively modern design and a terrace of 3no. 2 bed houses of more traditional 'cottage' design all fronting the highway and following a similar build line to existing development to the north-west. It is proposed that all five units in this section would be affordable housing.

The second section, to the left (north/north-east) on entering the site would be reminiscent of a farmyard barn conversion scheme arranged around a central courtyard and comprising a block of 2no. 4 bed semi-detached houses opposite the original farmhouse followed by a u-shaped arrangement of 2 storey 'barn style' dwellings of 3 and 4 bedrooms addressing a hard surfaced courtyard/parking area. Garaging for plots 7 to 11 would be provided to the rear (north-west) of plots 9 to 11 with access between plots 11 and 12. Plots 12 and 16 would each have a double garage. Plot 9 is proposed to be affordable housing.

The final section at the southern end of the site would comprise 4no. relatively modern 3 and 4 bedroom detached houses to the east and a terrace of 4no. 2 bedroom cottage style dwellings to the west arranged on two sides of a small village green with a parking area in the southern corner, and four open parking spaces to the north of the two bed units. It is proposed that the terrace of 4no. 2 bed units would be affordable housing.

Determining Issues

- 1) Policy and Principle of Development
- 2) Impact on the Conservation Area
- 3) Density, Housing Mix, Design and Layout
- 4) Residential Amenity
- 5) Parking and Access Issues
- 6) Biodiversity and Arboricultural Issues
- 7) Other Matters
- 8) Human Rights

1. Policy and Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2029.
- 1.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and within the Ministerial Foreword, it states "*development that is sustainable should go ahead, without delay*". Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies should not be considered up to date if the Council is not able to demonstrate a 5 year supply of housing sites. Furthermore, paragraph 119 states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive (transposed into domestic legislation in England under the Habitats and Species Regulations 2010 as amended) is being considered, planned or determined. In this case the site falls within the catchment of the River Mease Special Area of Conservation (SAC). Therefore the guidance of the NPPF is that the presumption in favour of sustainable development would not apply in this case and thus it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the River Mease SAC will not be adversely affected, having regard to avoidance or mitigation measures. This issue is addressed later under Sections 6 and 8 of this report.
- 1.3 The Framework details that there are three dimensions to sustainable development and that these dimensions give rise to the need for the planning system to perform a number of roles:
 - an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural

resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

This report will provide a balanced view in terms of these three strands of sustainable development.

- 1.4 The supply of housing land is regarded as having a social and economic role and in order to significantly boost the supply of housing, the NPPF requires that Councils should identify and update annually a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. This site was included within the 2016 Strategic Housing Land Availability Assessment (SHLAA) as a deliverable site for 14 dwellings. The latest position demonstrates that there is a 6.43 year supply of housing land within Lichfield District although it should be noted that in three appeal decisions determined on 13 February 2017 the Secretary of State concluded there was a 5.11 year supply of housing land. In any event the Council can demonstrate a 5 year housing supply and it therefore falls for this scheme to be considered, in the first instance, against the Policies contained within the Development Plan.
- 1.5 Core Policy 1 of the Local Plan Strategy seeks to locate new growth in sustainable settlements and identifies 5 key rural settlements to accommodate growth. Harlaston is not identified as one of the key rural settlements although, given the availability of limited facilities it is not considered, on balance, to be one of the least sustainable either. The location of these dwellings are proposed to be determined through the Local Plan: Land Allocations Document and through further engagement with local communities. This plan is not sufficiently advanced to take into consideration at this time.
- 1.6 Core Policy 6 (Housing Delivery) states that development in rural areas, outside the key rural settlements, will be permitted in certain circumstances. One of those circumstances is the provision of affordable housing delivered through Rural Exceptions. Policy Rural 1 (Rural Areas) further states that residential development in these areas will be to accommodate local housing needs. Paragraph 54 of the NPPF is also clear that in rural areas Local Planning Authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly affordable housing, including through the use of Rural Exception sites where appropriate. Paragraph 54 of the NPPF also states that it may be appropriate to consider the delivery of some market homes where this facilitates the provision of significant additional affordable housing to meet local needs.
- 1.7 Policy H2 (Provision of Affordable Homes) supports the development of small rural exception sites where affordable homes can be delivered to meet the needs of local people from within the area where there is no conflict with other Local Plan policies subject to certain criteria:
 - Majority of homes are affordable;
 - The site is adjacent to existing village settlement boundaries;
 - There is an identified housing need in the parish or one or more of the adjacent parishes;
 - The development is suitable by virtue of its size and scale in relation to an existing settlement and its services including public transport;
 - The initial and subsequent occupancy of affordable homes is controlled to ensure accommodation remains available in perpetuity to local people in affordable housing need.

- 1.8 Whilst the presence of existing development and the location of the site immediately adjacent to the village envelope make it difficult to describe the site as 'open' countryside, it is nevertheless outside of the settlement boundary and as such it is within the rural area and subject to the restrictions on development as set out in national and local policy guidance relating to open countryside. A mix of general market and affordable housing is proposed, with a total of 10 units (approx. 40%) of affordable, and as this does not represent a majority, the rural exceptions policies do not apply. It must therefore be concluded that the proposed development, by virtue of its location in a rural area, outside of the settlement boundary, is inappropriate in principle and conflicts with various policies of the Development Plan, including Core Policies 1 and 6 and Policy H2 of the Local Plan Strategy.
- 1.9 Notwithstanding this, the NPPF states at paragraph 12 that development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise. Guidance in the NPPF however, is slightly less stringent and the proposals could be seen to accord with paragraph 54 in that allowing market housing would facilitate the delivery of affordable units. The previously approved scheme would have delivered 11 market houses and 3 affordable whereas the current scheme would provide 14 market and 10 affordable houses. Thus, when compared to the previously approved scheme for this site, this proposal would, in effect, deliver an additional 7 affordable units against only 3 additional market houses. This is considered to be a material consideration in the determination of this application in that the principle of developing this site for houses has been accepted and, had the previous consent been implemented, the site could have been developed with 14 houses of which only 3 would be affordable. Had the applicant then approached the Council with a view to amending this scheme to what is now before the Council, it would have been very difficult to resist as it would, in effect constitute an additional 10 units with a majority provision of affordable housing at 70% and this could qualify as an exceptions site.
- 1.10 The applicant is aware that the proposals conflict with policy and seeks to justify the development on the basis of betterment, both in terms of removal of a potential nuisance use adjacent to residential properties and enhancement of the Harlaston Conservation Area as well as the fact that the principle of developing the site for housing has previously been accepted. In this respect, there is a degree of support within the NPPF and Core Policy 14 of the Local Plan Strategy and saved policy C2 of the former Local Plan as identified below.
- 1.11 The NPPF requires LPA's to take account of the desirability of sustaining and enhancing the significance of heritage assets. Great weight should be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Core Policy 14 of the Local Plan Strategy seeks to protect and improve the built environment and identifies that new development must make a positive contribution to the historic environment's local distinctiveness and saved policy C2 of the Local Plan seeks to enhance and preserve the character of the Conservation Area, stating that there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features including open spaces and views through, into or out of conservation areas which contribute to their special character, appearance or interest.

The impact of the proposals on the Conservation Area are considered in greater detail below.

- 1.12 In view of the above, it is considered that, although there is an 'in principle' objection to residential development in this unsustainable, out of settlement location, there are extenuating circumstances relating to this scheme which provide support for the development, sufficient to outweigh the 'in principle' objection. These include Conservation Area enhancement, visual improvement, delivery of smaller residential units in accordance with the identified need across the district, delivery of much needed affordable housing, and reduced traffic/improved highway conditions as discussed below in the following sections of this report. The development will also support the delivery of Lichfield District Council's 2016-2020 Strategic Plan which recognises that a key issue for the district is the lack of affordable homes, especially for young people and the delivery of affordable housing is a strategic priority in the theme of clean, green and welcoming places.

2. Impact on the Conservation Area

- 2.1 Part of the site lies within the Harlaston Conservation Area, the boundary of which extends from the Village Hall boundary at the western corner of the site across to the eastern corner and encompasses the majority of the area formerly occupied by agricultural buildings on the site. Whilst the buildings have now been demolished, the land still supports an agricultural use which could be continued at any time together with the erection of new buildings under agricultural permitted development rights. The Council would have very little control over such buildings and as such, substantial harm could result to the Conservation Area. Furthermore the site has been left in an unsightly state following demolition and the expiry of the previous residential consent, and it would be beneficial to secure a suitable use so that redevelopment of the site could take place, thus restoring the site to a more attractive condition.
- 2.2 The site is visible from Manor Lane and from outside the village on approach along Main Road from the south. The former buildings were unattractive and utilitarian in character and any new agricultural buildings would be similarly uninspiring in appearance. Such development would not make any positive contribution to the Conservation Area, and neither does the site as it has been left. Similarly the use of the site for agriculture would result in the presence of agricultural machinery and vehicles entering and exiting through the village and along Manor Lane. The impacts resulting from the use of the site for agriculture are considered to be greater than the physical presence of any buildings themselves and these impacts are likely to continue even though the new grain store is completed and in use, as the right of access through the site remains.
- 2.3 By extinguishing the agricultural use of the site in favour of a new residential development, the impacts associated with the extant use would be removed and this would lead to enhancement of the character and appearance of the Harlaston Conservation Area. It is appreciated that this enhancement would accrue whether or not the site is redeveloped for residential purposes. However, it is highly unlikely that the site owner would landscape the site and leave it open if the current application is unsuccessful. It is more likely that they would either develop with new agricultural buildings or seek to redevelop the site for other uses. It is considered that, given the fall-back position of new agricultural buildings and use under Permitted Development rights, a sympathetic redevelopment would result in the least detriment to the Conservation Area and the final result would constitute an improvement over the current situation.

However, in view of the 'in principle' objection to development on this out of settlement site, it is considered that any new-build development should be of a very high standard of design, construction and materials, that provides substantial benefits in terms of visual amenity.

- 2.4 The applicant/developer has worked closely with the Council's Conservation Officer to design a high quality residential development on this site which would considerably enhance the character of the Conservation Area. It is therefore considered that the proposed development is acceptable in terms of impact on the heritage asset. This view is supported by the Council's Conservation and Urban Design Team.

3 Density, Housing Mix, Design and Layout

- 3.1 The NPPF does not prescribe either minimum or maximum densities, stating that Local Planning Authorities should set out their own approach to housing density to reflect local circumstances, but states that housing applications should be considered in the context of the presumption in favour of sustainable development. The application site lies at the head of a cul-de-sac comprising one and two storey detached and semi-detached dwellings with an overall density in the order of 18 dwellings per hectare. The previous approval on site would have delivered a density of approximately 16.5 dwellings per hectare which was considered to compare favourably, in line with national and local policy. The current scheme would provide a higher proportion of smaller units, in line with the identified need across Lichfield District and consequently would result in a higher density at approximately 26 dwellings per hectare. It is not considered that this slightly more intensive form of development would detract from the character and appearance of this part of Harlaston.
- 3.2 A range of dwellings are proposed with varying sizes and tenures, in order to accommodate a variety of household types. The development would comprise a mix of 7 no. 2 bedroom dwellings; 10 no. 3 bedroom dwelling; and 7 no. 4 bedroom dwellings. The proposed scheme is thus clearly weighted in favour of smaller (2/3 bedroom) house types with some 71% falling within this category. Furthermore, the scheme would provide 40% affordable equating to 10 units of affordable housing which is to be welcomed on this edge of village site in a rural area. Affordable housing should be provided and retained as such in perpetuity and this can be secured by way of a S106 agreement. The Housing Strategy and Enabling Manager has confirmed that there is interest from Registered Providers of affordable housing to acquire the 10 affordable units proposed, with a preference for 2 bed units but 3 bed units would also be acceptable. The mix of 7no. 2 bed and 3no. 3 bed units of affordable housing is therefore acceptable.
- 3.3 In terms of design and layout, the three elements of the proposed scheme are distinctly different but all appear appropriate to their surroundings. The first section, comprising plots 1 to 5 reflects the scale and layout of its immediate neighbours in Manor Lane. The second section, comprising units 6 to 16, have been designed to emulate a group of converted traditional brick agricultural outbuildings, as would formerly have been associated with the retained farmhouse. They have thus been designed to display strong rural vernacular in terms of their scale and design features with large 'cart' doors and otherwise small and irregular spaced openings displaying a high solid to void ratio, as is often the case with traditional agricultural buildings. The final section would evoke the idea of a group of cottages around a village green and relates well to previous development on this part of the site as evidenced on historic mapping held by the

Council. The layout of this element provides an attractive sense of enclosure to the 'village green' and careful use of landscape features separates this from the car parking area to the southern corner, between plots 20 and 21.

3.4 As set out above, due to its location within and adjacent to the Harlaston Conservation Area, any development on this site should be of a high standard of design and materials which positively enhances its surrounding and it is considered that, subject to confirmation of suitable materials, this scheme would, achieve this.

3.5 In view of the above, it is considered that the development is of a suitable density and its design and layout are in keeping with neighbouring development and appropriate to its rural location and Conservation Area setting and, therefore, is considered to be acceptable. The proposals are considered to accord with the development plan and NPPF in this regard.

4. Residential Amenity

4.1 It is necessary to consider any potential impacts of the development on the amenities of existing nearby residents, and in addition whether future occupants of the new dwellings would enjoy a satisfactory level of amenity. The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

4.2 The site has historically been in agricultural use and, Environmental Health Officers have requested a condition to secure a contaminated land survey. Given the uncertainties regarding potential contamination of former agricultural sites, a condition to secure the submission of a contaminated land report and the implementation of any necessary mitigation measures is generally considered reasonable and necessary.

4.3 Although planning permission has previously been granted for a residential development on the site, this was not implemented and has now expired thus the use remains agricultural and could resume at any time without recourse to the Council. This could give rise to the same level of noise, dust, disturbance, traffic movements etc, as were previously experienced and it is considered that a residential development, with appropriate access arrangements, would represent a betterment in terms of these.

4.4 The Council's adopted Supplementary Planning Document (SPD), Sustainable Design provides guidance on minimum space about dwellings and privacy/separation distances. The site is bounded to the north, south and east by open countryside and along part of its western side by a community building (The Village Hall) as such, there is little opportunity for the new dwellings to unacceptably overlook any existing neighbours' private amenity space or habitable windows, thus the SPD guidelines are met in relation to existing surrounding development. In addition the Council operates a 45/25 degree rule to protect neighbours' amenity in terms of light and outlook, and the proposed layout would comply with this rule.

4.5 Private garden space for the new dwellings would range between 40 square metres and 72 square metres for 2 bed units, 55 square metres and 120 square metres for 3 bed units and 85 square metres and 190 square metres for 4 bed units. Whilst some of the smaller units (4 in total) would not meet the requirements of the SPD in regard to garden

size and length it should be noted that some residents may prefer smaller gardens and the space provided in all cases is sufficient to sit out or for children to play. It is therefore considered that the occupiers of those properties would not be disadvantaged.

- 4.6 The proposal would be acceptable in relation to the Council's standards in respect of privacy and outlook as set out in the SPD and is therefore, not considered to cause undue harm to the amenities of neighbouring occupiers. Furthermore the proposed dwellings are considered to have sufficient garden amenity space.
- 4.7 With the above in mind, it is considered that, subject to conditions removing permitted development rights for extensions, outbuildings and dormer windows in roofs, that the amenity of existing and future occupiers will be secured. As such the development accords with the Development Plan and the NPPF in this regard.

5. Parking and Access Issues

- 5.1 The NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 5.2 Each of the houses would be allocated at least 2 car parking spaces and some of the 4 bed units (12 and 16) would have 4 spaces including a double garage. The proposed site layout plan indicates 8 spaces across the site reserved for visitors. This would exceed the parking levels suggested within the Council's adopted Supplementary Planning Document: Sustainable Design which sets out that one and two bedroom dwellings require 1 parking space each plus one space per 3 dwellings for visitors; three and four bedroom dwellings require 2 parking spaces per dwelling. It is considered that the proposed parking levels are more than adequate to meet the needs of the development.
- 5.3 Initial comments from Staffordshire County Council (Highways) raised various concerns over highway safety aspects of the development. These included issues relating to a pedestrian route from Manor Lane and the position of pedestrian crossing points. Further amendments and clarification have since been provided and Highways are now satisfied that all issues either are or can be addressed through conditions as recommended.
- 5.4 Manor Lane does not currently include a formal turning head. The site layout provides opportunity to extend the length of adopted highway from Manor Lane into the site to provide a formal turning head which would in turn, improve access for refuse collection and for emergency services and this is welcomed.
- 5.5 In view of the above and subject to appropriate conditions, it is considered that the scheme is acceptable in respect of highway safety and that the on-site parking will be sufficient for the existing and proposed dwellings and the scheme accords with the NPPF and Development Plan in this regard.
- 5.6 The previous consent, 12/00044/FULM, included provision of a new access from Main Road to serve the Grain store approved under 10/00137/OUTM and 11/00365/REMM.

However, planning permission 12/00044/FULM has now expired and cannot be completed thus there is no consent in place for an access to the grain store other than that which currently exists from Manor Lane across the current application site and this will cease to be accessible if the site is developed. Whilst this need not affect the current scheme as the owner of the grain store and surrounding land simply needs to secure planning permission for an alternative access as was approved under 12/00044/FULM, it could delay development. The agent has been made aware of the situation, but it is also considered appropriate to include a note on any consent advising of the presence of an active agricultural access across the site.

6. Biodiversity and Arboricultural Issues

- 6.1 The site lies within the catchment of the River Mease SSSI; in accordance with the *Conservation of Habitats and Species Regulations 2010* (the 'Habitats Regulations'), the River Mease is designated as a Special Area of Conservation (SAC), requiring the highest level of protection, appropriate management, enhancement and where necessary, restoration. A Local Planning Authority is a 'competent authority' under the Habitats Regulations and must only give planning permission for a development where it can be demonstrated that any European site will not be adversely affected. Development within the catchment of the River Mease SAC has the potential to contribute to adverse effects on the River Mease SAC in terms of poor water quality, and the Council must take this potential impact into account in determining this application.
- 6.2 Notwithstanding the above, research by Local Planning Authorities within the River Mease catchment, together with the Environment Agency has resulted in the production of the River Mease Developer Contribution Scheme which sets financial contributions which can be used to mitigate the adverse effects of development on the SAC. The applicant is agreeable to making the relevant contributions and this can be secured via a S106 agreement. It is noted that, subject to suitable mitigation, Natural England is satisfied that the proposals would not adversely affect the SAC.
- 6.3 The Ecology Team is satisfied with the methodology and information provided within the Ecological Appraisal and the Construction and Environmental Management Plan and Habitat Management Plan accompanying the application and concurs with the conclusions that it is unlikely that the proposed works would negatively impact on a European Protected Species or a protected or priority species or habitat. However all recommendations and methods of working set out in the Ecological Appraisal and Construction Environmental Management Plan and Habitat Management Plan should be adhered to and this can be secured by condition. Particular attention should be drawn to the requirements that any lighting scheme must be sensitive to the existing usage of the site by bats.
- 6.4 In accordance with guidance in the NPPF, Policy NR3 of the Local Plan Strategy requires that a net gain to biodiversity should be delivered through all development. All ecological benefits outlined within the Ecological Appraisal and Construction and Environmental Management Plan and Habitat Management Plan can be secured by conditions.
- 6.5 The site falls partially within the Harlaston Conservation Area and there is at least one TPO'd tree and the trees therefore form a material consideration in the determination of this application. The Council's Arboricultural Officer has assessed the submitted tree information and notes that it does not include tree protection measures and that a

number of buildings/hardstandings would impose into the tree protection zones. An Arboricultural Method Statement (AMS) and Tree Protection Plan were requested to address this prior to determination. In addition questions were raised over the landscape details and these can be addressed by way of a condition to secure a full landscape scheme prior to commencement. Updated arboricultural information was provided and has been forwarded to the Arboricultural Officer who has now withdrawn his request for an AMS.

6.6 In conclusion, subject to conditions, there would be no harm to biodiversity interests and it is anticipated that all arboricultural/landscape issue can be satisfactorily resolved via conditions as recommended. The proposals therefore accord with the NPPF and Development Plan in this regard.

7. Other Matters

7.1 In respect to S106 matters the applicant will be required to enter into an agreement to establish a management company to manage the communal open spaces and any private roads within the site which are not to be adopted. In addition, the S106 will require agreement to the provision of the affordable housing which is to be provided in perpetuity.

7.2 There is no requirement for education contributions as Staffordshire County Council is satisfied that the existing local primary and secondary schools have sufficient spaces for the projected number of children within the site.

7.3 The proposed development will be subject to the payment of the Community Infrastructure Levy at a rate of £55 per square metre. This sum will be calculated in accordance with the Council's guidance as there may be exemptions for the affordable housing.

7.4 In order to satisfy Habitat Regulations and prevent harm to the SAC, the CIL Regulation 123 list was recently amended so that contributions via S106/ Unilateral Undertakings are now required towards mitigating the adverse effects of development on the River Mease SAC from all new net dwellings including those which are not CIL liable. SAC contributions are based on the size of the dwellings and would amount to approximately £10,000 in total.

7.5 It is noted that there are public rights of way in the vicinity of the site and concern is expressed that these are not adequately accounted for in the submission. There are three footpaths within or adjacent to the site, Harlaston 2; Harlaston 3; and Harlaston IR/2981; of which Harlaston 2 does not appear to be affected. Provision is clearly made for Harlaston IR/2981 in the form of a footpath at the edge of a landscaped area to the west of the site but it is not clear how Harlaston 3 would be accessed. An informative has been recommended drawing the applicant's attention to the local rights of way in the vicinity of the site.

7.6 The concerns of neighbours regarding the consultation period being over Christmas are noted however, the Council has no control over when an application is submitted and consequently when the consultation period will run. A site notice was displayed on Manor Lane in February 2017 and a further notice was displayed in May 2017 when it was determined that the application was a departure from the Development Plan. The application was therefore publicised in accordance with the relevant statutory

requirements. There is no reason why this development should give rise to any more anti-social behaviour than any other and it would not be sustainable to refuse any application where there is a possibility that anti-social behaviour could occur. There is legislation to control this outside of the planning system.

8. Human Rights

- 8.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbours' rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the provisions of national planning policy and the policies of the Development Plan.

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, economically the proposal would provide employment opportunities, through creating a development opportunity, whose future residents would support existing facilities. Socially, the proposed layout would ensure no significant impact upon existing residents, whilst suitable conditions can secure the amenity of future residents within the site and the location is such that future residents could utilise the social/community facilities available within the village. In addition the scale of development is broadly compliant with the requirements of the Council's Local Plan Strategy and supporting Supplementary Planning Documents.

Environmentally, the site has been left in an unsightly condition following clearance of former agricultural buildings which is considered to have degraded the character and appearance of the Conservation Area. Furthermore, the site has previously benefitted from planning permission for residential development. It is considered that redevelopment of the site would have a positive impact on the Conservation Area and the wider rural surroundings. Adequate open space would be provided on site to meet the needs of the future and existing residents and provide an attractive setting, whilst the number of dwellings and mix proposed, would provide a suitable density of development to integrate into the area, whilst also helping to meet the accommodation needs of the District.

Overall, notwithstanding the location of the site, adjacent to the Harlaston settlement boundary, it is considered that, on balance subject to conditions, the benefits of the proposed development in terms of Conservation Area enhancement and removal of potential 'bad neighbour' commercial agricultural use, together with provision of much needed affordable housing and smaller residential units, are sufficient to outweigh the conflict with the development plan in regard to this development, particularly in the light of a recent previous similar development having been found to be acceptable.

Furthermore, it is considered that, due to the high quality design and layout, the modest encroachment beyond the village boundary will not in this instance, cause harm to the character and appearance of the open countryside. The proposals would provide a satisfactory environment for future residents and would not be detrimental to the amenities of nearby

residents or to the safe functioning of the highway. Furthermore, subject to conditions, the proposals would not harm the special interest features of the River Mease SSSI or SAC; biodiversity or Arboricultural interests.

Accordingly, subject to the conditions set out above and the applicant entering into a Section 106 Agreement and a Unilateral Undertaking in respect of the River Mease SAC, the recommendation is one of approval.

Lichfield
district council

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enquiries@lichfielddc.gov.uk

LOCATION PLAN

17/00139/OUTM
Land and buildings at
Mount Road
Burntwood

Scale:
1:2,500

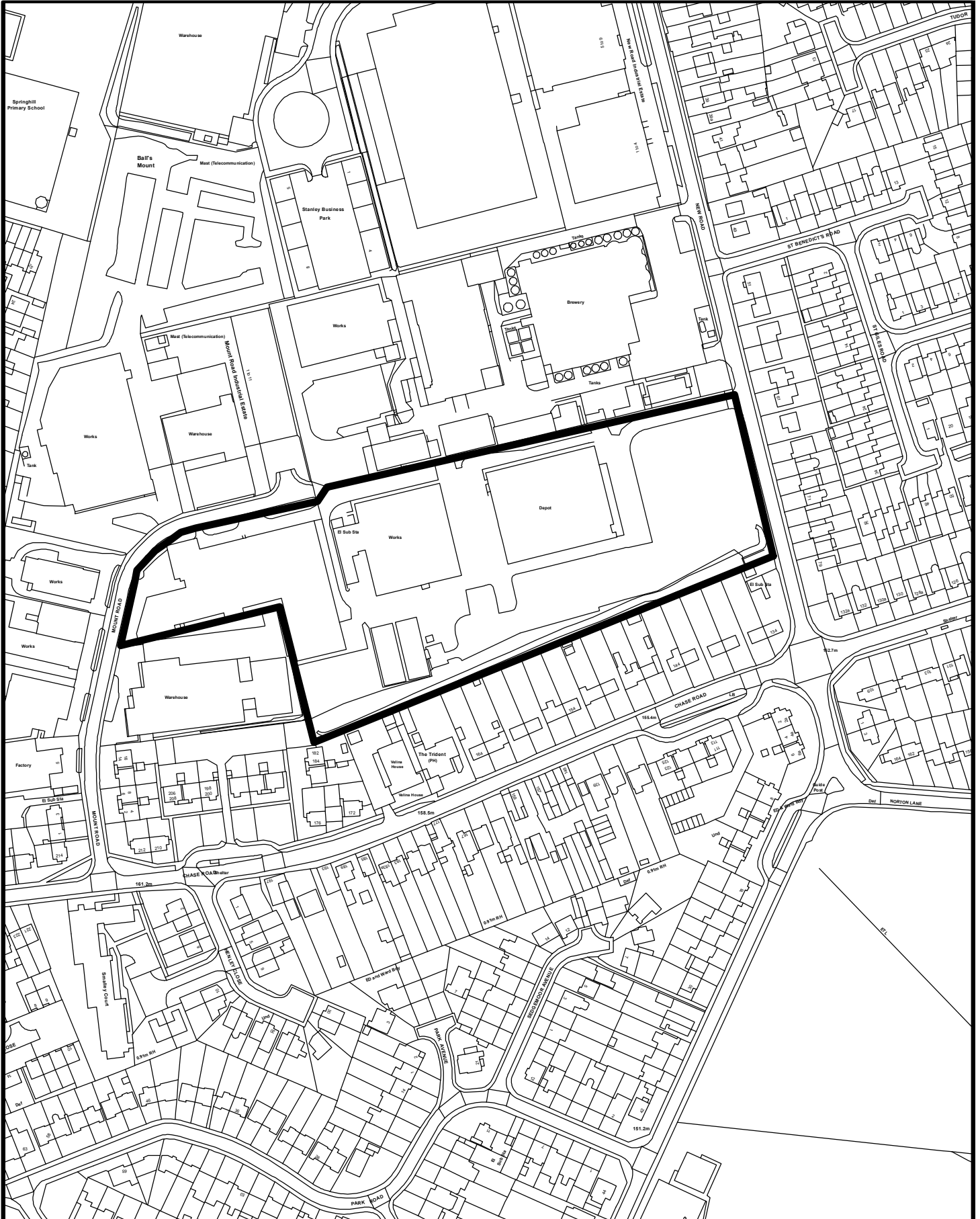
Dated:
July 2017

Drawn By:

Drawing No:



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BLOCK PLAN

17/00139/OUTM
Land and buildings at
Mount Road
Burntwood

Scale:

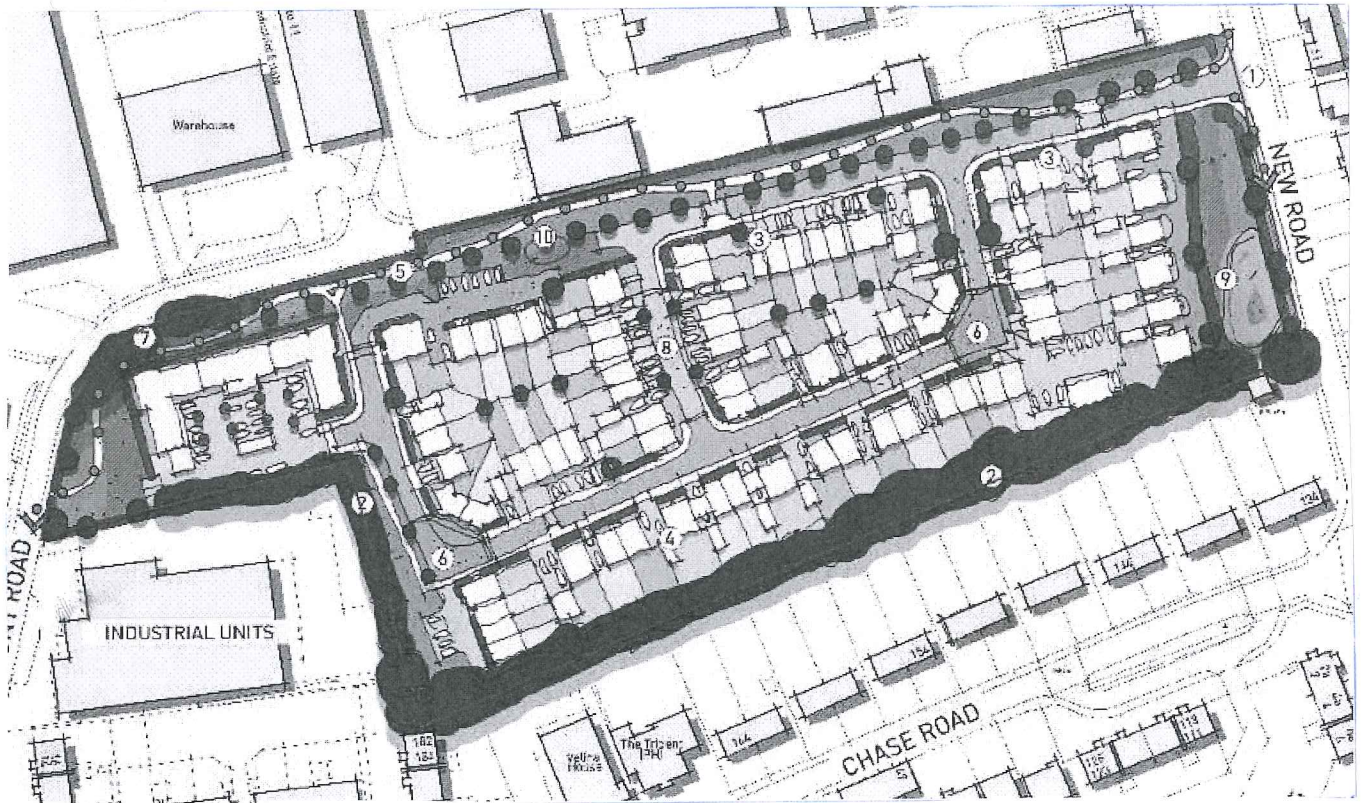
Dated:
July 2017

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17/00139/OUTM

OUTLINE APPLICATION FOR UP TO 96 DWELLINGS WITH FORMATION OF NEW ACCESS ONTO NEW ROAD LAND AND BUILDINGS AT MOUNT ROAD, BURNTWOOD FOR CLEARWATER PROPERTIES

Registered on 27/02/17

Parish: Burntwood

RECOMMENDATION: subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended), to secure contributions/planning obligations towards:-

1. Affordable Housing (required if proposed floorspace is not off-set by existing floorspace under vacant building credit);
2. Primary Education;
3. On-site Public Open Space;
4. The formation of a maintenance management company to maintain the Open Space, Community Areas and unadopted roads;
5. Residential Travel Plan; and,
6. Travel Plan Monitoring Fee.

And to enter into a Unilateral Agreement for the purpose of satisfying the requirements of the Habitat Regulations, in order to secure contributions towards:

1. Cannock Chase SAC

Approve, subject to the following conditions:

CONDITIONS:

1. The development authorised by this permission shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.
2. The first reserved matters application shall be made within 3 years from the date of this permission.

CONDITIONS to be complied with PRIOR to the commencement of development hereby approved:

3. This is an outline planning permission and no development shall be commenced until details of the layout of the site including the disposition of roads, disposition of buildings (which shall be informed by a tree shading plan); existing and proposed ground levels and finished floor levels; the design of all buildings and structures; housing mix; the external appearance of all buildings and structures, including materials to be used on all external surfaces; the means of pedestrian and vehicular access and parking layout; site and plot boundary treatments, including retaining walls and other means of enclosure; and the landscape and planting of the site shall be submitted to and approved in writing by the Local Planning Authority by way of reserved matters application(s). The development shall thereafter be carried out in accordance with the approved details.

4. Before the development hereby approved is commenced, a comprehensive environmental noise assessment embodying the principles contained in LF Acoustics noise assessment dated September 2016 (or any later report approved in writing by the Local Planning Authority), shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include details of all noise mitigation required, together with any specific ventilation requirements over and above those required by Building Regulations. The approved mitigation measures and any associated ventilation shall be implemented in accordance with the approved details and be the subject of a validation report to be submitted to the Local Planning Authority prior to the first occupation of any of the dwellings hereby approved and any deficiencies identified shall be rectified in full before residential occupation commences on any respective dwelling. The approved mitigation shall thereafter be maintained for the life of the development.

5. Before the development hereby approved is commenced, a scheme for protecting the future occupiers of the approved dwellings from odour from nearby commercial/industrial uses shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of odour protection shall thereafter be implemented before any of the dwellings are first occupied and shall be the subject of a validation report which shall be submitted to and approved in writing by the Local Planning Authority prior to the dwellings being first occupied. The validation report shall ensure that all odour control on the site has been adequately addressed prior to the dwellings being first occupied. The approved measures shall thereafter be maintained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

6. Before the development hereby approved is commenced, full details of the proposed surface and foul water drainage system for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall avoid ground infiltration of surface water where possible, unless it can be satisfactorily demonstrated that there is no risk of water pollution. The approved drainage system shall thereafter be provided before the first occupation of any of the dwellings, unless otherwise agreed in writing with the Local Planning Authority.

7. Before the development hereby approved is commenced, a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall detail measures to safeguard air and water quality during construction works. The CEMP/HMP should detail the location and size of all compensatory habitats as well as their methods of establishment and annual management prescriptions to ensure the habitats' good condition for at least 25 years post establishment. The approved recommendations shall thereafter be implemented prior to the first occupation of the approved dwellings.

8. Before the development hereby approved is commenced, a Construction Management Plan detailing the management and routing of demolition/construction traffic, delivery times, construction hours, method of recording daily inspections of the highway adjacent to the site access, internal compound arrangements which includes parking facilities, wheel washing facilities, loading and unloading of plant and materials; and storage of plant and materials used in constructing the development shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be implemented prior to the commencement of any works on the site and shall be maintained throughout the entire construction period, unless otherwise agreed in writing by the Local Planning Authority.

9. Before the development hereby approved is commenced, full details of the primary access point and vehicular visibility splays, as broadly indicated on drawing no. BIR 4835_05_01 shall be submitted to and approved in writing by the Local Planning Authority. The primary access shall thereafter be constructed in accordance with the approved details

before the construction of any of the dwellings and any other on-site construction works associated with the development hereby approved commences.

10. (i) Before the development hereby approved is commenced, the site shall be subjected to a detailed scheme for the investigation and recording of any contamination and a report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used.

(ii) The approved contamination remediation scheme shall thereafter be completed in accordance with the approved details and a validation report submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed, to ensure that all contaminated land issues on the site have been adequately addressed prior to the first occupation of any part of the development.

11. (i) Before the development hereby approved including any demolition and/or site clearance works is commenced or any equipment, machinery or materials is brought onto site, full details of protective fencing and/or other protective measures to safeguard existing trees and/or hedgerows on the site shall be submitted to and approved in writing by the Local Planning Authority.

(ii) Before the development hereby approved including any demolition and/or site clearance works is commenced or any equipment, machinery or materials is brought onto site, the agreed tree/hedge protection measures shall thereafter be provided in accordance with the British Standard 5837: 2012 and retained for the duration of construction (including any demolition and/or site clearance works), unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.

All other CONDITIONS to be complied with:

12. The development shall be carried out fully in accordance with the recommended compensation/mitigation measures set out in the submitted Bat Surveys Report, dated June 2017 by BSG Ecology.

13. Before any of the dwellings hereby approved are first occupied, the existing site access from Mount Road and other footway crossings on the Mount Road frontage made redundant as a consequence of the approved development, shall be permanently closed with the access crossings reinstated as footway in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.

14. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

2. For the avoidance of doubt and in accordance with the applicants stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.

3. For the avoidance of doubt in that the application has been made for outline permission only; to ensure a satisfactory form of development; safeguard the character of the area and safeguard the amenity of future residents, in accordance with the requirements of Core Policy 3 & 6 and Policies H1, H2, and BE1 of the Local Plan Strategy, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
4. To safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and Government Guidance contained within the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
5. To safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and Government Guidance contained within the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
6. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policy 3, and Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
7. To safeguard ecological interests in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the National Planning Policy Framework and the Supplementary Planning Document: Biodiversity and Development.
8. In the interests of the safety and convenience of users of the highway and to safeguard the amenity of nearby occupiers, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
9. In the interests of the safety and convenience of users of the highway in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
10. (i & ii) To protect the water environment and to safeguard future residential amenity, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
11. (i & ii) To safeguard existing trees which contribute to the character and appearance of the streetscene, in accordance with the requirements of Policies BE1, NR4 and Core Policy 14 of the Local Plan Strategy, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Trees, Landscape and Development.
12. To safeguard ecological interests in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the National Planning Policy Framework and the Supplementary Planning Document: Biodiversity and Development.
13. In the interests of highway and pedestrian safety, in accordance with the requirements of Policies BE1 of the Local Plan Strategy, and Government Guidance

contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.

14. To ensure that any initial plant losses are overcome in the interests of the visual amenities of the locality, in accordance with Policy BE1 of the Local Plan Strategy, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Trees, Landscape and Development.

NOTES TO APPLICANT

1 The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).

2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £28 for a householder application or £97 for any other application including reserved matters. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.

3 Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

4. The applicants' attention is drawn to the comments from the Council's Operational Services Customer Relations and Performance Manager specific to waste services dated 7 March 2017.

5. The applicants' attention is drawn to Environmental Health Technical Planning Policy: Noise & Vibration, Version 2: November 2013; section 6.6 'Ventilation provision for residential and hotel uses' in respect of the specific ventilation requirements.

6. The applicants' attention is drawn to the comments of the Police Architectural Liaison Officer in his letter dated 24 March 2017.

7. The applicant's attention is drawn to the comments of the Environment Agency in their letter dated 21 March 2017.

8. The applicant's attention is drawn to the comments of Lichfield District Council Ecology Team in their letter dated 13 June 2017 in respect to the CEMP/HMP as required by Condition 7.

9. This consent will require approval under Section 7 of the Staffordshire Act 1983 and also require a Section 38 of the Highways Act 1980. The applicant is advised therefore to contact Staffordshire County Council to ensure that approval and agreements are secured before the commencement of development.

10. The applicant's attention is drawn to the comments from Staffordshire County Council (Highways) specific to the proposed internal layout of the site and the informative notes in their letter dated 23 March 2017.

11. Off-site highway works to improve the junction off New Road will require a Highway Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the agreement. Follow the link below for a Minor Works Information Pack and an application form for the Highway Works. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1 c/o 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH or email nmu@staffordshire.gov.uk www.staffordshire.gov.uk/transport/staffshighways/licences

12. The applicant's attention is drawn to the Council's Supplementary Planning Document: Trees, Landscaping and Development in respect to the landscaping and planting required by Condition 3.

13. The Council has sought a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Core Policy 1 - The Spatial Strategy
Core Policy 2 - Presumption in Favour of Sustainable Development
Core Policy 3 - Delivering Sustainable Development
Core Policy 4 - Delivering our Infrastructure
Core Policy 5 - Sustainable Transport
Core Policy 6 - Housing Delivery
Core Policy 7 – Employment and Economic Development
Core Policy 10 - Healthy & Safe Lifestyles
Core Policy 11 – Participation in Sport & Physical Activity
Core Policy 13 - Our Natural Resources
Core Policy 14 - Our Built & Historic Environment
Policy SC1 - Sustainability Standards for Development
Policy IP1 - Supporting & Providing our Infrastructure
Policy ST1 - Sustainable Travel
Policy H1 - A Balanced Housing Market
Policy H2 - Provision of Affordable Homes
Policy HSC1 - Open Space Standards
Policy NR3 - Biodiversity, Protected Species & their Habitats
Policy NR4 - Trees, Woodlands & Hedgerows
Policy NR7 - Cannock Chase Special Area of Conservation
Policy BE1 - High Quality Development
Policy Burntwood 1 – Burntwood Environment
Policy Burntwood 2 – Burntwood Services and Facilities
Policy Burntwood 3 – Burntwood Economy
Policy Burntwood 4 – Housing

Emerging Local Plan Allocation

Policy B4 – Land at Mount Road / New Road

Saved Local Plan Policies

Policy E2 – Forest of Mercia
Policy Emp2 – Existing Industrial Areas

Supplementary Planning Documents

Trees, Landscaping and Development (May 2016)

Sustainable Design (December 2015)

Biodiversity and Development (May 2016)

Developer Contributions (May 2016)

Statement of Community Involvement (May 2016)

RELEVANT PLANNING HISTORY

05/00069/OUTM - Proposed mixed use development comprising: Industrial (1.45ha) and Residential (1.30ha). Refused 6.4.05.

CONSULTATIONS

Burntwood Town Council – No objections in principle. Surprised that only 96 dwellings were proposed. Questions whether this is sufficient for this location. Need to ensure that the right type of housing is provided i.e. one and two bedroom dwellings. This location is preferred to using Green Belt (3.4.17).

Arboricultural Officer – No objection in principle. There are a number of trees on the site on the southern boundary and these form a comprehensive screen. If the application is approved, the reserved matters should include a full tree survey and shading plans to ensure no detrimental impact on existing trees and the amenity of future occupiers. The landscape scheme shows little planting and a fully detailed scheme, which needs to include a significant number of large trees, will be required at reserved matters stage. (10.3.17)

Ecology Team – The additional information is now satisfactory. The bat survey demonstrates that the development would not negatively impact on protected species. A condition is recommended that the applicant should adhere to the recommendations and mitigation set out in the survey. The applicant has also demonstrated that there would not be any net loss to biodiversity. A condition is recommended relating to the submission of a Construction Environment Management Plan and Habitat Management Plan in this regard (13.6.17).

Ecology Team – A further bat survey is required. All site clearance works should be carried out outside of the bird nesting season (March to August) as the land could be utilised by nesting birds. The applicant must demonstrate that there is no net loss to biodiversity units (1.4.17).

Spatial Policy and Delivery – The site lies within the urban area of Burntwood which is identified as one of the focuses for residential development in the Local Plan Strategy. The site scores poorly within the Employment Land Review and does not form part of the Employment Lane Portfolio and as such is considered acceptable in principle for residential purposes. Consideration should be given to the housing mix, affordable housing, on-site open and equipped play, education, highways and Cannock Chase SAC (12.4.17).

Environmental Health – No objection, subject to conditions with respect to the submission of a further noise survey and odour control to protect future occupiers from noise and odour from surrounding industrial uses (2.5.17).

Joint Waste Services – The general waste requirements specification should be brought to the attention of the applicant. Vehicles are not taken onto private drives or unadopted roads and an indemnity will be required (8.3.17).

Severn Trent Water – No objections, subject to condition with respect to the submission of a surface water and foul sewage drainage scheme (16.3.17).

Staffordshire County Council (Highways) – No objection, subject to conditions regarding a Master Plan which sets out specific site layout, parking strategy, development phasing, pedestrian connectivity, clear delineation of roads and footways to be offered for adoption; a Construction Vehicle Management Plan; off-site highway works; closure of existing site crossing from Mount Road. Also, note the requirement for a S106 agreement to secure a residential travel plan and associated monitoring fee. (23.3.17)

Staffordshire County Council (Education) – The development falls within the catchment of Springhill School and Erasmus Darwin Academy. Erasmus Darwin Academy is projected to have limited vacancies based on the current and projected pupil numbers available at this time. However current pupil demographics indicate that the school should be able to accommodate the likely demand from pupils generated by the development. As such there is no requirement for a secondary school contribution from this development. With regard to primary education, additional primary school places will be needed to mitigate the impact of this development. This will require a primary education contribution of £220,620 (5.7.17).

Staffordshire Police Architectural Liaison Officer – No objection but the applicant needs to ensure that plots with side and rear boundaries to footpaths and open land are secure. Proposed pedestrian links and public open space should be design as features of the site and be well overlooked. A high level of security should be provided to reduce opportunities for crime (28.3.17).

Environment Agency – No objection, subject to conditions relating to submission of a contaminated land survey and remediation measures; and surface water drainage scheme (21.3.17).

Staffordshire County Council (Minerals and Waste) – No objection, as the development would not be likely to have any significant adverse impacts on underlying mineral resources or waste management facilities (3.4.17).

LETTERS OF REPRESENTATION

3 letters of representation from nearby occupiers. Their comments are summarised as follows:

- Can see the positives as this would improve the area.
- Increased landscaping would be more inviting and provide a more natural feel to the area.
- The set back from the site frontage allows public space and sustainable drainage feature is welcome.
- Welcomes provision of on-site play space but wants confirmation whether it will be equipped play or just open space and that it will be maintained.
- Disruption during demolition and construction as Mount Road is already a busy street. Are the vehicles going to use New Road?
- Concern regarding crime and vandalism with the increased number of people in the area.
- The drains cannot cope with the existing rainwater run-off from the site and New Road. This will exacerbate the problem.
- The proposed new access will lead to a significant number of vehicle movements on New Road which is already busy. This will lead to an increased risk of collisions and problems for nearby residents who already struggle to get on and off their driveways.
- Traffic calming measures should be introduced along New Road.
- Mount Road would offer a better less busy access route.
- Pressure on existing services will increase.
- Wants more information about how the houses will sold, purchase by general public and how many will be social housing.
- Loss of value for existing homes on New Road.

OTHER BACKGROUND DOCUMENTS

The application is accompanied by the following supporting documents:

Planning Statement
Design and Access Statement
Extended Phase 1 Habitat Survey
Bat survey Report
Biodiversity Calculator
Transport Assessment
Noise Assessment
Air Quality Amenity Assessment
Flood Risk Assessment and Drainage Strategy
Draft Heads of Terms

OBSERVATIONS

Site and Location

The site, amounting to approximately 2.77 hectares, lies within the development boundary of Burntwood. The site is a brownfield site with a number of commercial buildings that have been vacant for a considerable number of years and which are now in a state of disrepair. There is significant hardstanding within the site, the eastern part of which is separated from New Road by grassland. The site is currently allocated for employment uses.

The site is bordered to the north and west by commercial buildings, most of which are in use for a variety of industrial purposes. To the south are residential dwellings fronting Chase Road and to the east are detached dwellings fronting New Road.

There is currently a gated access leading from New Road and an access leading from Mount Road.

Proposals

The application is an outline application with only the principle of development and access to be considered at this time. At this time all other matters are reserved for future consideration. The application proposes the development of up to 96 dwellings with the formation of a new access onto New Road. There is already an existing access from the site onto New Road which would be improved to meet the requirements of Staffordshire County Council standards for a Major Residential Access Road.

The indicative layout shows each dwelling to have a road frontage onto a small estate road with areas of secondary shared surface streets. A pedestrian link is shown for connectivity between New Road and Mount Road. Existing planting along the southern boundary is shown to be retained with additional planting throughout the site. In addition the plan shows an area of public open space, sustainable drainage feature and a small play area.

Determining Issues

1. Policy and Principle of Development
2. Access and Highways Issues
3. Design and Connectivity
4. Impact on Ecological Interests, including Cannock Chase SAC;
5. Landscape Planting and Open Space
6. Housing Mix including Affordable Housing
7. Impact on Residential Amenity
8. Flood Risk and Drainage

- 9. Planning Obligations
- 10. Other Matters
- 11. Human Rights

1. Policy and Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2029.
- 1.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and within the Ministerial Foreword, it states "*development that is sustainable should go ahead, without delay*". Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies should not be considered up to date if the Council is not able to demonstrate a 5 year supply of housing sites. However, the site lies within the Cannock Chase SAC and paragraph 119 of the NPPF states that the presumption in favour of sustainable development does not apply where the development requiring appropriate assessment under the Birds and Habitats Directive is being considered, planned or determined. It is necessary therefore to demonstrate that the integrity of the Cannock Chase SAC will not be adversely affected by the proposed development.
- 1.3 The Framework details that there are three dimensions to sustainable development and that these dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 1.4 The application site lies within an existing employment site. Saved Policy Emp2 restricts development within these areas to B1, B2 and B8 uses unless it is demonstrated that any proposed use falling outside these use classes will not detrimentally affect the employment area. Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use when there is no reasonable prospect of a site being used for that purpose.
- 1.5 The site scored poorly within the Employment Land Review and does not form part of the Employment Land Portfolio. Policy Burntwood 3: Burntwood Economy identifies that the Mount Road employment site is underperforming and that its future role and function will be considered via the Local Plan Allocations document. Furthermore, the emerging Local Plan Allocations document which has been out for consultation this year, identifies this site as a residential allocation for approximately 95 dwellings. Having regard to paragraph 22 of the NPPF and emerging policy, the loss of the

employment land for housing in this location is considered to be acceptable and no policy objections have been raised by the Spatial Policy & Delivery Officer.

1.6 Core Policy 1 of the Local Plan Strategy seeks to locate new growth in sustainable locations and encourages development to make efficient use of land, prioritising previously developed land. Core Policy 6 of the Local Plan Strategy furthermore states that the delivery of housing will be focused upon the key urban and rural settlements, which includes Burntwood. Policy Burntwood 4 also states that the redevelopment of existing brownfield land within the settlement will be encouraged. Therefore, the principle of housing in this location is supported.

1.7 Given the above, it is considered that the level of housing growth proposed through this development complies with the Local Plan Spatial Strategy, emerging local policy and the NPPF, subject to an appropriate housing mix, and meeting other policy requirements and general development management criteria. This issues are discussed below.

2. Access and Highways Issues

2.1 The NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

2.2 Although the application is in outline, means of access is included for consideration at this stage. To this end, the proposal is supported by a detailed Transport Assessment (TA), which has been assessed by Staffordshire County Council (Highways).

2.3 There are currently 2 no. accesses to the site; one from Mount Road and one from New Road. It is proposed that the Mount Road access is closed and the access from New Road is improved to meet required highway standards. This will ensure that the residential traffic will be separated from the commercial traffic using Mount Road to access the industrial units to the north and west of the application site. Staffordshire County Council (Highways) has raised no objection in this regard.

2.4 Staffordshire County Council (Highways) however, recommend conditions with respect to the submission of a Master Plan for the layout of the site; a Construction Management Plan which should include details of management and routing of demolition/construction traffic, delivery times and compound arrangements and the carrying out of the off-site highway works for the visibility splays. Whilst the comments of Staffordshire County Council (Highways) in respect to the submission of a Master Plan are noted, it is considered, given the scale of the development the internal road layouts and parking and turning within the site could be the subject of a detailed site layout which would be adequately submitted and considered as part of the reserved matters submission/s.

2.6 Overall therefore, in terms of highways issues, it is considered that subject to appropriate conditions, and monitoring of sustainable travel measures through a S106 Agreement, the development is acceptable and would be compliant with the requirements of both the Development Plan and NPPF and that the application through the provisions of the Travel Plan, will provide appropriate measures to enable satisfactory alternatives to travelling by car.

3. Design and Connectivity

3.1 The NPPF sets out that the Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:

- function well and add to the overall quality of the area;
- establish a strong sense of place;
- create and sustain an appropriate mix;
- respond to local character and history, and reflect local surroundings and materials;
- create safe and accessible environments; and
- be visually attractive as a result of good architecture and appropriate landscaping.

3.2 Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and the need for a landscape framework that integrates the development within the landscape. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.

3.3 The Design and Access Statement (DAS) sets out how the indicative layout plan submitted with the application has evolved, having regard to the character and context of the site and the nearby residential locality. The document does not identify the heights of buildings but offers a mix of one, two, three and four bedroomed dwellings with a mixture of apartments, terraced, semi-detached and detached dwellings. The exact mix, which will need to comply with Policy H1, can be secured through reserved matters. The development would retain existing boundary trees and would be further softened by additional planting and landscaped open space. Properties would all have a street frontage, including those looking over the proposed open space to the east, facing New Road to provide active frontages. It is stated that these specifications will ensure that the development compliments the character of the surrounding built form ensuring that the scheme would integrate successfully and enhance existing street scenes. It is also proposed to provide a pedestrian link along the northern part of the site which will link through from new Road to Mount Road.

3.4 Clearly this is an outline application and as such, detailed design is not being considered at this stage. Nevertheless, it is important to ensure that the detailed proposals that come forward at the reserved matters stage are of the highest design quality and appropriate for the locality. A condition is therefore recommended in respect to the submission of all details at reserved matters application stage.

3.5 Based on the above, subject to conditions, it is considered that the application is acceptable in design terms.

4. Impact on Ecological Interests, including Cannock Chase SAC

4.1 The development is likely to have an impact upon Cannock Chase SAC (CC SAC). It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. The site of the proposed development lies within the 0-8km zone of influence for impacting upon Cannock Chase SAC. As such a financial contribution towards the Strategic Access Management Measures (SAMMs) would be required from this development at a rate of £178.60 per dwelling in mitigation. This would be secured via a Unilateral planning obligation.

- 4.2 Following comments from the Council's Ecology Officer, a quantitative assessment of the site's current habitat value was undertaken. It is considered that the proposed development will be unlikely to result in deficit in biodiversity value subject to conditions in respect to the submission of a Habitat Management Plan and a Construction Environment Management Plan. This will ensure its future compliance with paragraph 118 of the NPPF, Policy NR3 of the Local Plan Strategy; and adheres to the Lichfield District Council Biodiversity and Development SPD.
- 4.3 It is also considered unlikely that the proposed works would negatively impact upon a European Protected Species (EPS), subject to adherence by the applicant to all recommendations and methods of working, mitigation and compensation detailed within the Preliminary Ecological Assessment. Accordingly a condition is recommended in this regard.
- 4.4 In conclusion, subject to conditions it is considered that the proposals accord with the requirements of the Development Plan and the NPPF in respect to ecology and protected sites.
5. Landscape Planting and Open Space
- 5.1 The application is in outline only although is accompanied by an indicative site layout plan which shows areas of open space to the west and east with a landscaped walkway along the northern boundary of the site. Existing trees along the southern boundary are proposed to be retained. Additional planting and landscaping is proposed within and on the boundaries of the site. The Council's Arboricultural Officer has no objection to the principle subject to conditions with respect to the submission of a detailed landscape and planting plan; which shall include details of species and management and tree protection measures in respect of the significant trees that are to be retained.
- 5.2 It is considered that landscaping in this location will enhance the character of the area and provide soft edges to the development. Accordingly such conditions are recommended.
- 5.3 Open space within development sites is no longer adopted by the District Council and it is therefore necessary for a management company to be formed to maintain communal areas and open space. This can be secured via a S106 Legal Agreement.
- 5.4 Subject to conditions and the signing of the S106, it is considered that the development would comply with the requirements of the Development Plan and the NPPF in this regard.
6. Housing Mix, including Affordable Housing
- 6.1 Policy H1 of the Local Plan Strategy requires the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
- 6.2 The Design and Access Statement sets out that it is proposed to provide a range of different housing densities across the site. A range of dwellings are proposed with varying sizes and tenures, in order to accommodate a variety of household types.
- 6.3 The dwelling mix identified as necessary to address the imbalance in the District's housing stock is 5% one bedroom, 42% two bedroom, 41% three bedroom and 12% four bedroom and above. A condition to secure the implementation of a compliant

housing mix is recommended, when further details of the house types and layout are known.

- 6.4 Policy H2 of the Local Plan Strategy uses a dynamic model to calculate the viable level of affordable housing with a target of up to 40%. Current evidence, as of September 2016, states that all new development should provide 40% of affordable housing. However, the applicant has submitted evidence that the vacant building credit entitlement would mean that there is no requirement for affordable housing on this site.
- 6.5 Brandon Lewis, through his Ministerial Statement on 28th November 2014, introduced “a financial credit, equivalent to the existing gross floorspace of any vacant buildings brought back into any lawful use or demolished for redevelopment” to be “deducted from the calculation of any affordable housing contributions sought from relevant development schemes.” Planning Practice Guidance sets out the guidance for this Vacant Building Credit: National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the Local Planning Authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.
- 6.6 The application site includes a number of existing buildings which are currently vacant that are proposed to be demolished as part of the redevelopment of this site for residential use. The existing buildings have an existing gross floorspace of 10,561sqm (113,640 sqft) and it is to this floorspace that a financial credit should be offered in respect of affordable housing.
- 6.7 Where there is an overall increase in floorspace in the proposed development, the Local Planning Authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A ‘credit’ should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metres is demolished and to be replaced by a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.
- 6.8 The vacant building credit applies where the building has not been abandoned. The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, Local Planning Authorities should have regard to the intention of national policy. In doing so, it may be appropriate for authorities to consider:
- Whether the building has been made vacant for the sole purposes of re-development.
 - Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.
- 6.9 The application site is within an existing industrial estate and contains a number of existing industrial buildings that have been used for B2 and B8 uses in the past. The application site has not been made vacant for the sole purpose of re-development, as

the existing buildings have been actively marketed over a prolonged period of time for reuse and the site can be brought back into active employment use without the need for further planning permission.

- 6.10 The application seeks permission for the principle of residential development, with an illustrative masterplan identifying an indicative proposal of up to 96 dwellings. The applicant states that whilst the exact gross floorspace of the proposed residential development would need to be determined through a reserved matters application, this would not exceed the existing gross commercial floorspace currently present. However, it is recommended that Affordable Housing is included within the S106 legal agreement. This will ensure that if the development submitted under a reserved matters exceeds the gross floorspace of the existing buildings to be demolished that there is a mechanism in place to require on-site affordable housing or financial contributions towards off-site affordable housing.
- 6.11 Overall, in terms of housing mix, it is considered that a development which balances the strategic need, with the need to secure an appropriate design and density for this site can be achieved. However, details of this will be considered at reserved matters stage. Accordingly, subject to conditions and a legal agreement, it is considered that the development would meet the requirements of the Development Plan and the NPPF in this regard.

7. Impact on Residential Amenity

- 7.1 It is necessary to consider any potential impacts of the development on the amenities of existing nearby residents, and in addition whether future occupants of the new dwellings would enjoy a satisfactory level of amenity. The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 7.2 The site is located in an area adjacent to residential and commercial premises. There is therefore potential for adjacent commercial operations to have an impact on the amenity of future residents. The applicant has submitted a noise assessment which has been considered by the Council's Environmental Health Team, who raise no objection, subject to a condition requiring the submission of a comprehensive environmental noise assessment embodying the principles set out in the submitted noise assessment. Further, a condition is recommended in respect of an odour assessment to safeguard the amenity of future occupiers from smells from nearby industrial units.
- 7.3 The nearest residential dwellings on New Road to the nearest proposed dwellings at this indicative stage would be approximately 45 metres distant. There should not therefore be any detrimental impact on the amenities of those residents in terms of loss of privacy or overlooking. Whilst the improved access will see an increase in traffic movements opposite properties on New Road, it is to be appreciated that there is an existing access in this location which could be used by heavy goods vehicles if the existing buildings were to be brought back into use. It is considered therefore that the proposed traffic movements in this location would not cause significant harm to the amenity of nearby residents sufficient to warrant refusal on this ground.
- 7.4 The indicative layout plan also shows proposed dwellings approximately 45 metres from properties fronting Chase Road and approximately 20 metres from the maisonettes on a small spur set back from Chase Road. It is considered that it is unlikely there would be a significant detrimental impact on those nearby occupiers due to the separation distances that would be achieved.

- 7.5 Furthermore, the interaction between the proposed dwellings and existing dwellings and also between the proposed dwellings and the existing commercial units will be fully assessed at the reserved matters stage.
- 7.6 Given the above, it is considered that the residential amenity of existing occupiers will not be harmed and, subject to conditions, that the amenity of future occupiers can be protected. Accordingly, subject to conditions, it is considered that the development would meet the requirements of the Development Plan and the NPPF in this regard.
8. Flood Risk and Drainage
- 8.1 The application site is located within Flood Zone 1 which is defined as having little or no risk of flooding from rivers or streams. Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year. The NPPG states that for proposals of 1ha or greater in Flood Zone 1, a Flood Risk assessment (FRA) is required and such a FRA has been submitted with the application.
- 8.2 In terms of drainage, Severn Trent Water has no objection to the scheme, subject to the submission and approval of a surface water and foul sewerage scheme, prior to the commencement of development, which can be secured via condition.
- 8.3 The Environment Agency has considered the information provided and are satisfied that, subject to the measures set out and a number of detailed planning conditions, the development will not give rise to any flood risk or drainage issues.
- 8.4 Having regard to the above, subject to the imposition of the recommended conditions it is considered that the development would meet the requirements of the Development Plan and the NPPF in this regard.
9. Planning Obligations
- 9.1 Although the development is liable to contributions under the Community Infrastructure Levy and a Unilateral Undertaking for Cannock Chase SAC contributions to satisfy the Habitats Regulations, it is identified that there will still be a requirement for S106 contributions/undertakings as outlined below:
- On-site Public Open Space;
 - Primary Education
 - The formation of a maintenance management company to maintain the open space, community areas and unadopted roads;
 - Residential Travel Plan; and
 - Travel Plan Monitoring Fee
- 9.2 This development falls within the catchment area of the Springhill Academy for primary education, and Erasmus Darwin Academy for secondary education. A development of the size proposed could add 20 Primary School, 14 High School and 3 6th Form pupils. Following further assessment of the local schools by the Staffordshire Education Authority, Erasmus Darwin Academy is projected to have limited vacancies based on the current and projected pupil numbers available at present. Although the development will put additional pressure on school places at the school and on high school places in Burntwood, current pupil demographics indicate that the schools should be able to accommodate the likely demand from pupils generated by the development. As such, a financial contribution for secondary school places is not required. With regards to primary education, there is a short fall in places in the area, and so there would be a need for additional primary school places to mitigate the impact of this development via a financial contribution.

9.3 With regards to affordable housing, the need for a residential travel plan and monitoring fee, and open space provision and maintenance, these have previously been discussed above.

9.4 Overall, subject to the applicant entering into a Section 106 agreement to secure the financial contributions/agreement outlined above, it is considered that the proposals would provide facilities and appropriate mitigation to ensure that the development would accord with the NPPF and Local Plan Strategy.

10. Other Matters

10.1 Given the previous use of the site for industrial purposes, the Environment Agency has no objection to the development but does request a condition requiring the submission of details in respect to contaminated land and subsequent remediation. Such condition is accordingly recommended.

10.2 Matters raised by nearby residents have been addressed within the relevant sections above. Concerns regarding disruption during the works would be covered by separate legislation.

10.3 Of the points raised by neighbours to the site, not addressed within the above report, it is evident that the capacity of the services to accommodate additional residents, loss of value, marketing and occupation are not in themselves material to the planning process that could justify refusal of planning permission in this instance. Additionally, it is to be appreciated that all applications are assessed on their own merits having regard to current planning policies.

11. Human Rights

11.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and, on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan and National Planning Policy.

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, economically the proposal will provide employment opportunities, through creating a development opportunity, whose future residents would support existing facilities. Socially, the proposal is sited to ensure no significant impact upon existing residents, whilst suitable conditions can secure the amenity of future residents within the site. In addition the scale of development is broadly compliant with the requirements of the Council's Local Plan Strategy.

Environmentally the site would in-fill an area between existing built forms. It is considered that adequate open space will be provided on site to meet the needs of the future and existing residents, whilst the number of dwellings and mix proposed, will provide a suitable density of development to integrate into the area, whilst also helping to meet the accommodation needs of the District.

With regard to transport and highways, adequate information and detail has been included within the supporting information to demonstrate that sustainable travel choices will be provided within the development. Acceptable details have been provided with regard to the vehicular access to ensure that the development can be safely and appropriately accessed without undue harm to the character and appearance of the area, existing or future residents and highway and pedestrian safety.

Subject to suitable mitigation/precautionary measures there will be no adverse impact on protected or priority species and ecological habitats, including Cannock Chase SAC. With regard to drainage and residential amenity it is considered that adequate mitigation is provided and that, subject to appropriate conditions, no material harm will be caused.

It is therefore considered that the principle of residential development is acceptable and that no other material planning considerations exist to warrant the refusal of the planning application. Thus, subject to conditions and the applicant entering into a Section 106 Agreement and a Unilateral Undertaking in respect of Cannock Chase SAC, the principle of development is acceptable, and accordingly, the recommendation is one of approval.

our strategic plan at a glance

Read in full at www.lichfielddc.gov.uk/strategicplan

To be a strong, flexible council that delivers good value, quality services and helps to support a **vibrant and prosperous economy, healthy and safe communities** and **clean, green and welcoming places to live**.

How we create a vibrant and prosperous economy

How we create healthy and safe communities

How we create clean, green & welcoming places to live

What we will do

Between 2016 and 2020 we will place particular importance on:

- Promoting Lichfield District as a good place to invest through the roll out of the Local Plan.
- Ensuring our district is 'open for business' by welcoming and nurturing new enterprises to start up and succeed in our key business centres and rural areas.
- Delivering support, signposting and networking opportunities to existing businesses to help them thrive.
- Making it easy for businesses to interact with us.
- Understanding, monitoring and adapting to business needs and issues across the district.
- Encouraging increased visitors to our district, increased spend in the local economy and more overnight visitors.
- Delivering good quality and safe car parking in our key retail areas.
- Creating policies and events that promote healthy and active lifestyles for all, including young people – from cycle and safe walking routes, through to events, community activities and more.
- Providing support to help those with disabilities and older people stay healthy and active.
- Creating opportunities to increase the number of residents who are physically active, especially in hard to reach groups.
- Supporting and encouraging the development of clubs and other organisations to increase the quantity and quality of leisure and cultural opportunities across the district.
- Delivering a programme of disabled facilities grants to help people remain living safely at home
- Providing help and advice to prevent homelessness.
- Implementing our Local Plan which will ensure a controlled and balanced growth of the district.
- Developing supplementary planning guidance which will help to preserve our historic environment, support rural communities, and ensure the district continues to be an attractive place.
- Maintaining our parks and open spaces which encourage residents to enjoy the outdoors.
- Restoring the historic features of Stowe Pool and Fields.
- Our joint waste service continues to help our residents recycle a large percentage of their waste.
- Pursuing opportunities to transfer some open spaces to local organisations who can look after them for the enjoyment of all (e.g. playing fields).

By 2020 there will be:

- More local jobs and more people in employment.
- More new businesses locate in our district.
- More businesses succeed.
- More visitors and greater visitor spend in our district.
- A regenerated Lichfield City centre and an improved retail offer in Burntwood.
- More people will be active and healthy.
- More people will be involved in volunteering and community activity.
- Fewer people and families will be homeless.
- More people will feel safer and less worried about crime and anti-social behaviour.
- More people will be living independently at home.
- More affordable homes in the district.
- Our heritage and open spaces will be well maintained or enhanced.
- Our streets will be clean and well maintained.
- More people will use parks and open spaces.
- New homes, office, retail and manufacturing spaces will be built or developed in line with our Local Plan and planning guidance.

Our council By 2020:

- Our customers will be more satisfied.
- We will continue to be financially responsible.
- Our organisation will have clear corporate values and be committed to openness and transparency.
- More people will interact with us through our website and digital channels.
- We'll be more innovative in how we deliver services and make a difference locally.

This plan sets out the high level outcomes we want to achieve over the next four years. Every year we produce a one-year action plan that sets out the key activities we will deliver to drive forward the priorities set out in this plan in detail, and the measures and targets we use to check how we are doing. Read our actions plans at www.lichfielddc.gov.uk/actionplans



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district council
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